



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

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TO: Members of the Environmental Quality Service Council

FROM: Lori F. Kaplan
Commissioner

DATE: August 12, 2003

SUBJECT: Commissioner's Report to the Environmental Quality Service Council

Greetings! Please find enclosed IDEM's Commissioner's Report to the Environmental Quality Service Council. Your packet includes information on the following topics:

- 1) Outreach, education, and assistance from July 1 through July 31, 2003
- 2) Rulemaking updates for the environmental rulemaking boards
- 3) Fees collected
- 4) Permit report cards
- 5) Permit charts
- 6) Selected news releases from July 1, 2003 through August 8, 2003

(Please refer to our web page <http://www.IN.gov/serv/presscal?PF=idem&Clist=16> for additional news releases.)

With one exception, IDEM has issued a total of 11,422 permit decisions on-time since October 1998 through the end of July 2003.

The entire Commissioner's Report to the Environmental Quality Service Council is also available on the Internet at: <http://www.in.gov/idem/eqsc>

Should you have any questions regarding this information, please do not hesitate to contact me at (800) 451-6027, press "0" and ask for extension 2-8611, or dial directly (317) 232-8611.



Indiana Department of Environmental Management

Commissioner's Report to the Environmental Quality Service Council August 12, 2003

Outreach, Education and Assistance July 1, 2003 – July 31, 2003

Highlights are of IDEM's efforts to reach out, educate and assist the regulated community during the past month. This list is not all inclusive, but illustrates some of the ways in which IDEM has worked cooperatively with businesses, communities and citizens. Many other informal and formal contacts occur daily.

Indiana Farm Management Tour

Commissioner Lori Kaplan participated in the Indiana Farm Management Tour at the Mark Legan Farm near Coatsville on July 10. The tour provided an opportunity to view proper management activities at a confined feeding operation and tour a constructed wetland that was being used for managing surface water runoff. (For more information, contact Commissioner Kaplan at 317/232-8611.)

South Bend Brownfields Loan Presentation

Commissioner Lori Kaplan participated in the South Bend Brownfields Loan presentation in South Bend on July 18. South Bend received a loan for the remediation of an unpermitted landfill to be converted into an environmental education center. (For more information, contact Commissioner Kaplan at 317/232-8611.)

Northern Mayor's Roundtable Meeting

Community Relations staff attended the Northern Mayor's Roundtable meeting that was hosted by Mayor Glassley from Columbia City on July 17 in Columbia City. Information was provided on the following issues: IDEM's auto salvage workshop/program, a drinking water frequently asked questions sheet, and an open burning frequently asked questions sheet. (For more information, contact Karen Terrell at 317/233-6648.)

Indiana Black Expo

IDEM staff participated in the Indiana Black Expo in Indianapolis on July 18-20. IDEM hosted three booths; one in the main exhibitor hall, a second booth in the Minority Health Fair, and a third booth at the Vendor Fair. (For more information, contact Karen Terrell at 317/233-6648.)

Elkhart County 4-H Fair

IDEM staff were present at the Elkhart County 4-H Fair and distributed information on non-point source pollution and general environmental information. (For more information, contact Karen Terrell at 317/233-6648.)

Auto Salvage Workshop

IDEM staff completed the final auto salvage workshop in Indianapolis on July 23 with over 50 people in attendance. The workshop addressed the newly released IDEM Auto Salvage Manual and the environmental issues related to these facilities. (For more information, contact Paula Smith at 317/233-1210.)

Environmental Education Outreach at Holliday Park

IDEM staff gave a two-hour interactive presentation to a group of 1st and 2nd graders at Holliday Park in Indianapolis on July 18. They presented activities on air, water, land, and recycling and staff were able to show how all of the media are interconnected. IDEM staff gave a second presentation at Holliday Park in Indianapolis on July 29 to a group of 5th – 8th graders. (For more information, contact Paula Smith at 317/233-1210.)

Grand Calumet River Restoration Fund Council

Dr. Jim Smith and Mary Ann Habeeb participated in the Grand Calumet River Restoration Fund Council's (GCRRF) monthly public meeting on July 15 in Hammond. Ms. Habeeb gave a brief presentation on requirements of the Consent Decree and Memorandum of Understanding which govern duties and purposes of the GCRRF. Dr. Smith lead a discussion of treatment technologies that might be applicable to sediment remediation in the west branch Grand Calumet River. The discussion was part of the GCRRF alternatives identification and analyses for the cleanup and restoration of the west branch of the river. Details of the GCRRF outreach efforts and characterization of the west branch is located at following web site: <http://www.in.gov/idem/land/federal/nrda/grandcalumet/index.html>. (For more information contact Dr. Jim Smith at 317/232-3451.)

Corydon YMCA Camp Recycling Presentation

Beth Bell assisted with a recycling presentation at a YMCA camp in Corydon. There were 60 campers in attendance for this presentation. (For more information, contact Beth Bell at 812/952-1144.)

Michigan City Parks Leadership Camp

Amy Burns talked to children at the Michigan City Parks Leadership Camp in LaPorte. Amy presented information regarding IDEM, discussed community issues, and why and how we can protect the environment. (For more information, contact Amy Burns at 219/881-6720.)

AEP/Energy, Economics and the Environment Workshop—Utility Air Quality Issues

Paul Karkiewicz participated in the AEP/Energy, Economics and the Environment Workshop on July 10 in South Bend. Paul presented on air quality issues for the utility sector and IDEM's role. The workshop was for elementary, middle and high school teachers. (For more information, contact Paul Karkiewicz at 574/245-4887.)

Northwest Indiana Diesel Emissions Workgroup

Shawn Seals, Kathy Watson and Scott Deloney participated in Northwest Indiana Diesel Emissions Workgroup monthly meeting on July 22 in Portage. Scott provided an overview of the workgroup's background to new participants and presented the draft two-year workplan. (For more information, contact Shawn Seals at 317/233-0425.)

Northwest Indiana Regional Planning Commission

Shawn Seals, Kathy Watson, and Scott Deloney participated in the Northwest Indiana Regional Planning Commission's regular meeting on July 22 in Portage. They provided information on the 8-

hour ozone designation process and solicited input concerning issues related to LaPorte County. (For more information, contact Shawn Seals at 317/233-0425.)

New Source Review Reform Meeting

On July 22, the New Source Review Reform Team held a public meeting in Indianapolis to discuss changes to the New Source Review Reform rules. Several representatives from industry and one from the environmental community attended. The purpose of this meeting was to continue discussion of the clean unit positions presented at the June 30 meeting and to discuss the proposed changes to the federal clean unit provisions. This is a specific area of interest because it is the portion of the federal regulations that IDEM is proposing to most significantly modify. (For more information, contact Stacey Pfeffer at 317/233-2628.)

AIR BOARD RULES UPDATE

JULY 2003

Topic of rule	Citations Affected (IN Administrative Code)	LSA Notice	Last Ind. Register Citation and Date	Rule Status	Contact Information/ Rule Review Team 1-800-451-6027 (in Ind) www.IN.gov/idem/busleg/
Section 8 - 2002 Annual Update to the CFR & AP42	326 IAC 1-1-3; 1-1-3.5; 1-2-65; 1-2-90; 2-2-13; 2-2-16; 2-3-1; 2-6-4; 2-7-3; 2-7-8; 2-7-18; 2-8-3; 2-9-7; 2-9-8; 2-9-9; 2-9-10; 2-9-13; 3-4-1; 3-4-3; 3-5-2; 3-5-3; 3-5-4; 3-5-5; 3-6-1; 3-6-3; 3-6-5; 3-7-2; 3-7-4; 5-1-2; 5-1-4; 5-1-5; 7-2-1; 7-4-10; 8-1-4; 8-4-6; 8-4-9; 8-7-7; 8-9-2; 8-9-3; 8-9-4; 8-9-5; 8-9-6; 8-10-7; 8-11-2; 8-11-6; 8-11-7; 8-12-3; 8-12-5; 8-12-6; 8-12-7; 8-13-5; 10-1-2; 10-1-4; 10-1-5; 10-1-6; 11-3-4; 11-7-1; 13-1.1-1; 13-1.1-8; 13-1.1-10; 13-1.1-13; 13-1.1-14; 13-1.1-16; 14-1-1; 14-1-2; 14-1-4; 14-3-1; 14-4-1; 14-5-1; 14-7-1; 14-8-1; 14-8-3; 14-8-4; 14-8-5; 14-9-5; 14-9-8; 14-9-9; 14-10-1; 14-10-2; 14-10-3; 14-10-4; 15-1-2; 15-1-4; 16-3-1; 18-1-2; 18-1-5; 18-1-7; 18-1-8; 18-2-2; 18-2-3; 18-2-6; 18-2-7; 22-1-1; 23-1-31	02-337	26 IR 1271 (01/03) 26 IR 1996 (03/03)	Section 8 Notice 01/01/03 Prelim. Adopt. 02/05/03 Proposed Rule 03/01/03 Final Adoption 04/16/03 To AG's Office Filed w/Sec. of State Effective Date Final Rule Publication	Gayla Killough 233-8628
Compliance Monitoring Requirements	326 IAC 1-1; 1-2; 3; and 7-2	01-408	25 IR 943 (12/01)	1st Notice 12/01/01 2nd Notice	Chris Pedersen 233-6868 Roger Letterman Dave Cline Kathy Moore
Ozone Ambient Air Quality Standards	326 IAC 1-3-4	03-69	26 IR 2485 (04/03) 26 IR 3376 (07/03)	Section 8 Notice 04/01/03 Prelim. Adoption 06/04/03 Proposed Rule 07/01/30 Final Adoption 09/03/03	Gayla Killough 233-8628

AIR BOARD RULES UPDATE

JULY 2003

Topic of rule	Citations Affected (IN Administrative Code)	LSA Notice	Last Ind. Register Citation and Date	Rule Status	Contact Information/ Rule Review Team 1-800-451-6027 (in Ind) www.IN.gov/idem/busleg/
Lake County PM10 Redesignation	326 IAC 1-4-1	03-70	26 IR 2487 (04/03) 26 IR 3092 (06/03)	Section 8 Notice 04/01/03 Prelim. Adoption 05/07/03 Proposed Rule 06/01/03 Final Adoption 09/03/03	Chris Pedersen 233-6868
PSD Corrections	326 IAC 2-2-1; 2-2-6; and 2-2-12	03-68	26 IR 2477 (04/03) 26 IR 3073 (06/03)	Section 7 Notice 04/01/03 Change of Notice Prelim. Adoption 09/03/03	Chris Pedersen 233-6868
Emission Reporting Sec. 110	326 IAC 2-6-1; 2-6-2; 2-6-3; 2-6-4; 2-6-5	97-18 (AP) 01-249	21 IR 801 (11/97) 24 IR 1462 (2/01) 24 IR 3684 (8/01) 24 IR 4012 (9/01)	1st Notice 11/1/97 2nd Notice 2/1/01 Prelim. 4/12/01 Proposed rule & 3rd comment period Change of Notice Hearing Notice	Pat Troth 233-5681 Ken Ritter, Jon Bates, Susan Bem Jay Koch
NSR (New Source Review) Reform	326 IAC 2	03-67	26 IR 2473 (04/03)	1st Notice 04/01/03 2nd Notice	Chris Pedersen 233-6868
Article 2 Fix-Ups	326 IAC 2	02-188	25 IR 3464 (7/02)	1st Notice 7/01/02 2nd Notice	Chris Pedersen 233-6868
Sunset Rule Amendments to 326 IAC 2-10 and 2-11 (Permit by rule for specific source categories)	326 IAC 2-10; 2-11	03-XX		1st Notice 8/01/02 2nd Notice	Pat Troth 233-681

AIR BOARD RULES UPDATE

JULY 2003

Topic of rule	Citations Affected (IN Administrative Code)	LSA Notice	Last Ind. Register Citation and Date	Rule Status	Contact Information/ Rule Review Team 1-800-451-6027 (in Ind) www.IN.gov/idem/busleg/
U.S. Steel-Gary Works PM10 Requirements (Variance expires 5/18/02) (4/30/02 - Mail variance)	326 IAC 6-1-10.1; 6-1-10.2	01-407	25 IR 943 (12/01) 25 IR 3465 (07/02) 25 IR 3805 (08/02) 25 IR 4129 (09/02) 26 IR 810 (12/02) 26 IR 1113 (01/03) 26 IR 1968 (03/03) 26 IR 2391 (04/03)	1st Notice 12/01/01 2nd Notice 07/01/02 Change of Notice 08/01/02 Change of Notice 09/01/02 Prelim. Adopt. 11/6/02 (cont.) Change of Hearing 12/01/02 Prelim. Adopt. 12/04/02 (cont.) Change of Hearing 1/1/03 Prelim. Adopt. 02/05/03 Proposed Rule 03/01/03 Change of Hearing 04/01/03 Final Adoption 05/07/03 To AG's Office Filed w/Sec. of State Effective Date Final Rule Publication	Chris Pedersen 233-6868 Don Kuh Gail McGarrity Bob Simmons Ken Ritter
Article 6.5 - Recodification	Repeal of: 326 IAC 6-1 New article: 326 IAC 6.5	02-335	26 IR 1266 (01/03)	1st Notice 1/1/03 2nd Notice	Suzy Whitmer 232-8229
Pfizer, Inc.	326 IAC 6-1-13; 7-4-3	03-XX		1st Notice 8/01/02 2nd Notice	Suzanne Whitmer 232-8229
Lake County SO2 (Sec. 110) (Variance expires on 5/18/02.) (Mailed variance on 4-30-02)	326 IAC 7-4-1.1	00-236	24 IR 554 (11/00) 26 IR 3151 (06/03)	1st Notice 11/01/00 2nd Notice 06/01/03 Prelim. Adopt.	Chris Pedersen 233-6868 Mark Neyman Ken Ritter Pat Daniel

AIR BOARD RULES UPDATE

JULY 2003

Topic of rule	Citations Affected (IN Administrative Code)	LSA Notice	Last Ind. Register Citation and Date	Rule Status	Contact Information/ Rule Review Team 1-800-451-6027 (in Ind) www.IN.gov/idem/busleg/
NOx Corrections	326 IAC 10-3; 10-4	02-54	25 IR 2045 (03/02) 25 IR 3886 (08/02) 25 IR 3905 (08/02) 26 IR 810 (12/02) 26 IR 1132 (01/03) 26 IR 2476 (04/03) 26 IR 2391 (04/03)	1st Notice 03/02 2nd Notice 08/02 Prelim. Adopt. 11/06/02 Change of Hearing 12/01/02 Prelim. Adopt. 12/04/02 Proposed Rule 1/1/03 LSA Fiscal Impact Analysis 04/01/03 Change of Hearing 04/01/03 Final Adoption 05/07/03 To AG's Office 06/17/03 Filed w/Sec. of State 07/07/03 Effective Date 08/06/03 Final Rule Publication	Suzanne Whitmer 232-8229 Roger Letterman Shri Harsha
Steel Pickling NESHAP (Sec. 112)	326 IAC 20-29	00-138	23 IR 2606 (7/00)	1st Notice 07/01/00 2nd Notice	Gayla Killough 233-8628 Joe Saligoe Rick Massoels
Section 7 - Group 2 NESHAP's	326 IAC 20-49; 20-50; 20-51; 20-52; 20-53; 20-54; and 20-55	02-336	26 IR 1266 (01/03) 26 IR 3089 (06/03)	Section 7 - 1/1/03 Prelim. Adopt. 4/16/03 Proposed Rule 06/01/03 Final Adopt. 09/03/03	Gayla Killough 233-8628
Lead-Based Paint	326 IAC 23	02-189	25 IR 3464 (07/02) 26 IR 548 (11/02) 26 IR 1592 (02/03) 26 IR 1961 (03/03) 26 IR 2401 (04/03)	1st Notice 07/01/02 2nd Notice 11/01/02 Change of Notice 02/01/03 Change of Notice 03/01/03 Prelim. Adopt. 03/05/03 Proposed Rule 04/01/03 Final Adopt. 06/04/03 To AG's Office Filed w/Sec. of State Effective Date Final Rule Publication	Suzanne Whitmer 232-8229 David White

AIR BOARD RULES UPDATE

JULY 2003

Topic of rule	Citations Affected (IN Administrative Code)	LSA Notice	Last Ind. Register Citation and Date	Rule Status	Contact Information/ Rule Review Team 1-800-451-6027 (in Ind) www.IN.gov/idem/busleg/
Sunset reauthorization of Title 326 per IC 13-14-9.5 (Sec. 110, 112)	Rules commented on at 1st notice, not federally approved: <u>326 IAC</u> <u>Filed</u> 2-10-1 11/25/98 2-10-2 thru 6 09/05/96 2-11 and 2-11-1 11/25/98 2-11-2 05/07/97 2-11-3; and 2-11-4 04/02/97 2-12 thru 2-14 11/25/98 17.1-2 thru 17.1-9 01/26/00	00-44 ----- <u>Expiration Date</u> Jan. 1, 2006 Jan. 1, 2004 Jan. 1, 2006 Jan. 1, 2005 Jan. 1 2005 Jan. 1 2006 Jan. 1, 2008	23 IR 1488 (03/00)	First Notice	Suzy Whitmer 232-8229

Office of Land Quality Rulemaking Projects 2003-2004

Rule	Rulewriter	August 2003	September 2003	October 2003	November 2003	December 2003	January 2004	February 2004	March 2004	April 2004
TITLE 327 RULES- WPCB										
Confined Feeding- NPDES #01-51 (WPCB)	Lynn West 232-3593	proposed rule published 8/1	revise proposed rule	revise proposed rule; mgmt & OLC review	mail board packet; 2 nd hearing 11/12 (WPCB)	compile promulgation package	promulgation package to AG; Gov's briefing memo	promulgation package to Governor w/briefing memo	to secretary of state for filing, effective 30 days after filing	
Confined Feeding - NPDES Emergency Rule	Lynn West 232-3593	extend emergency rule			extend emergency rule			emergency rule expires		
Land Application Change Rule #01-238 (WPCB)	Lynn West 232-3593	effective 30 days after filing								
TITLE 328 RULES- FAB										
Excess Liability Trust Fund Change Rule (FAB) #02-204	Lynn West 232-3593	draft rule	<u>2nd notice to LSA 9/10</u>	2 nd notice published 10/1	comment period ends 11/1; mgmt, AG & OLC review	mail board packet; 1 st hearing (FAB)	<u>proposed rule to LSA 1/10</u>	proposed rule published 2/1; revise proposed rule; mgmt & OLC review	mail board packet; 2 nd hearing (FAB)	compile promulgation package
T TITLE 329 RULES- SWMB										
Non-MSW and C/D Land Disposal #97-8	Steve Mojonnier 233-1655	to be determined	to be determined	to be determined	to be determined	to be determined	to be determined	to be determined	to be determined	to be determined
2 nd Substantial Change- MSWLF #00-185	Pam Koons 232-8899	mail board packet; 2 nd hearing 8/26	compile promulgation package	promulgation package to AG; Gov's briefing memo	promulgation package to Governor w/briefing memo	to secretary of state for filing, effective 30 days after filing				
Underground Storage Tank Change Rule # 01-161	Lynn West 232-3593	mail board packet; 2 nd hearing 8/26	compile promulgation package	promulgation package to AG; Gov's briefing memo	promulgation package to Governor w/briefing memo	to secretary of state for filing, effective 30 days after filing				
Removal of Special Waste Program and Statutory Changes #01-288	Steve Mojonnier 233-1655	revise proposed rule	revise proposed rule; mgmt & OLC review	mail board packet; 2 nd hearing 10/21	compile promulgation package	promulgation package to AG; Gov's briefing memo	promulgation package to Governor w/briefing memo	to secretary of state for filing, effective 30 days after filing		
Composting and Processing of Organic Wastes #02-11 (#01-237 was withdrawn)	Lou McFadden 232-8922	draft rule	<u>2nd notice to LSA 9/10</u>	2 nd notice published 10/1	comment period ends 11/1	review comments; revise rule; fiscal impact studies	revise rule; mgmt, AG & OLC review	mail board packet; 1 st hearing 2/17	<u>proposed rule to LSA 3/10</u>	proposed rule published 4/1; revise proposed rule; mgmt & OLC review
Ground Water Quality Standards for Hazardous Waste #02-160	Steve Mojonnier 233-1655	revise rule	revise rule; mgmt & OLC review	mail board packet; 1 st hearing 10/21	<u>proposed rule to LSA 11/10</u>	proposed rule published 12/1; revise proposed rule	revise proposed rule; mgmt & OLC review		mail board packet; 2 nd hearing 2/17	compile promulgation package

2002 Hazardous Waste Update #02-235	Steve Mojonnier 233-1655	mail board packet; 2 nd hearing 8/26	compile promulgation package	promulgation package to AG; Gov's briefing memo	promulgation package to Governor w/briefing memo	to secretary of state for filing, effective 30 days after filing				
2003 Hazardous Waste Update #03-	Steve Mojonnier 233-1655	1 st notice to <u>LSA 8/10</u>	1 st notice published 9/1	comment period ends 10/1; review comments	draft rule	<u>2nd notice to LSA 12/10</u>	2 nd notice published 1/1	comment period ends 2/1; review comments	revise rule; mgmt & OLC review	mail board packet; 1 st hearing 4/20

August 7, 2003 (3:07PM)

IDEM
Office of Water Quality
Water Rules Update

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IDEM
Office of Water Quality
Water Rules Update

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Fees Collected

Permit Program	July 2003	2003 YTD (Jan-Jul)	2002	2001	2000	Fee Per Permit (Low) (High)	
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AIR: Title V Permit Program							
Annual Operation Fees	\$71,987	\$9,906,128				\$600	\$200,000
Construction Permit Fees	\$87,400	\$476,909				\$100	\$20,000
Subtotal:	\$159,387	\$10,383,037	\$11,284,509	\$11,606,091	\$11,547,037		

HAZARDOUS WASTE:							
Permit Application Fees	\$0	\$9,000				\$2,250	\$40,600
Annual Operation Fees	\$37,717	\$1,278,515				\$1,000	\$37,500
Subtotal:	\$37,717	\$1,287,515	\$1,521,917	\$1,362,067	\$2,082,299		

SOLID WASTE:							
Permit Application Fees	\$51,350	\$178,750				\$2,200	\$31,300
Annual Operation Fees	\$500	\$1,496,625				\$25	\$35,000
Disposal Fees	\$382,191	\$885,618				\$0.05/ton	\$0.10/ton
Waste Tire Registrations	\$25	\$3,565				\$25	\$500
Septage Land Application Approvals	\$90	\$5,550				\$30	---
Confined Feeding Approvals	\$6,800	\$11,925				\$100	---
Subtotal:	\$440,956	\$2,582,033	\$2,846,614	\$3,006,918	\$3,094,282		

WASTEWATER: National Pollutant Discharge Elimination System (NPDES) Program							
Permit Application Fees	\$3,650	\$20,050				\$50	\$100
Annual Operation Fees	\$11,920	\$3,807,172				\$240	\$34,800
NPDES Operator Certifications	\$7,470	\$59,390				\$30	----
Wastewater Facility Construction Permit Fees	\$3,725	\$7,000				\$50	\$2,500
Subtotal:	\$26,765	\$3,893,612	\$3,989,472	\$3,927,154	\$4,130,594		

DRINKING WATER CONSTRUCTION:							
Permit Application Fees	\$7,450	\$46,175				\$0	\$2,500
Operator Certifications*	\$690	\$7,155				\$30	----
Subtotal:	\$8,140	\$53,330	\$122,905	\$124,815	\$128,415		

TOTAL:	\$672,965	\$18,199,527	\$19,765,417	\$20,027,045	\$20,982,627		
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Office of Air Quality New Source Review Permits Report Card

As of July 31, 2003

OAQ issues quality, environmentally protective construction and operation permits to applicants.

IDEM's commitment is to issue quality environmental permits and modifications to qualified applicants 100% on-time.

Late Permits in July:	0
Total Permits Issued in July:	18
Number of On-Time Permit, Modification, or Approval Decisions Issued in 2003:	135
Number of Late Permit, Modification, or Approval Decisions Issued in 2003:	0
Consecutive Months With No Late Permits:	61
Amount of Permit Fees Lost from Late Permits in 2003:	\$0

Amount of Permit Fees Collected in 2003: \$476,909

In 2002, the OAQ issued 200 on-time permit decisions (0 late). The OAQ has not issued a late permit decision since June, 1998. \$702,100 in permit fees were collected in 2002.

Office of Water Quality Wastewater Permits Branch Permits Report Card

As of July 31, 2003

OWQ Wastewater Permits Branch issues quality, environmentally protective construction and operation permits to applicants.

IDEM's commitment is to issue quality environmental permits and modifications to qualified applicants 100% on-time.

Late Permits in July:	0
Total Permits Issued in July:	110
Number of On-Time Permit, Modification, or Approval Decisions Issued in 2003:	749
Number of Late Permit, Modification, or Approval Decisions Issued in 2003:	0
Consecutive Months With No Late Permits:	61
Amount of Permit Fees Lost from Late Permits in 2003:	\$0

Amount of Permit Fees Collected in 2003: \$22,450

In 2002, the OWQ Wastewater Permits Branch issued 1,049 on-time permit decisions (0 late). The Wastewater Permits Branch has not issued a late permit since May 1998. \$34,925 was collected for wastewater facility construction and National Pollutant Discharge Elimination System (NPDES) wastewater permit fees in 2002.

Office of Water Quality

Drinking Water Permits Branch

Permits Report Card

As of July 31, 2003

OWQ Drinking Water Permits Branch issues quality construction permits which are protective of public health and the environment.

IDEM's commitment is to issue quality environmental permits and modifications to qualified applicants 100% on-time.

Late Permits in July:	0
Total Permits Issued in July:	35
Number of On-Time Permit, Modification, or Approval Decisions Issued in 2003:	180
Number of Late Permit, Modification, or Approval Decisions Issued in 2003:	0
Consecutive Months With No Late Permits:	14
Amount of Permit Fees Lost from Late Permits in 2003:	\$0

Amount of Permit Fees Collected in 2003: \$46,175

In 2002, the OWQ Drinking Water Permits Branch issued 232 on-time permit decisions (1 late). The Drinking Water Permits Branch has not issued a late permit decision since April, 2002. \$66,505 was collected for Drinking Water permit fees in 2002.

Office of Land Quality Solid Waste Permits Permits Report Card

As of July 31, 2003

OLQ Solid Waste Permits Branch issue quality, environmentally protective modifications and permits to applicants.

IDEM's commitment is to issue quality environmental permits and modifications to qualified applicants 100% on-time.

Late Permits in July:	0
Total Permits Issued in July:	18
Number of On-Time Permit, Modification, or Approval Decisions Issued in 2003:	183
Number of Late Permit, Modification, or Approval Decisions Issued in 2003:	0
Consecutive Months With No Late Permits:	62
Amount of Permit Fees Lost from Late Permits in 2003:	\$0

Amount of Permit Fees Collected in 2003: \$196,225

In 2002, Solid Waste Permits issued 282 on-time permit decisions (0 late). Solid Waste Permits has not issued a late permit decision since April 1998. \$295,260 in permit fees were collected in 2002.

Office of Land Quality Hazardous Waste Permits Permits Report Card

As of July 31, 2003

OLQ Hazardous Waste Permits issues quality, environmentally protective modifications and permits to applicants.

IDEM's commitment is to issue quality environmental permits and modifications to qualified applicants 100% on-time.

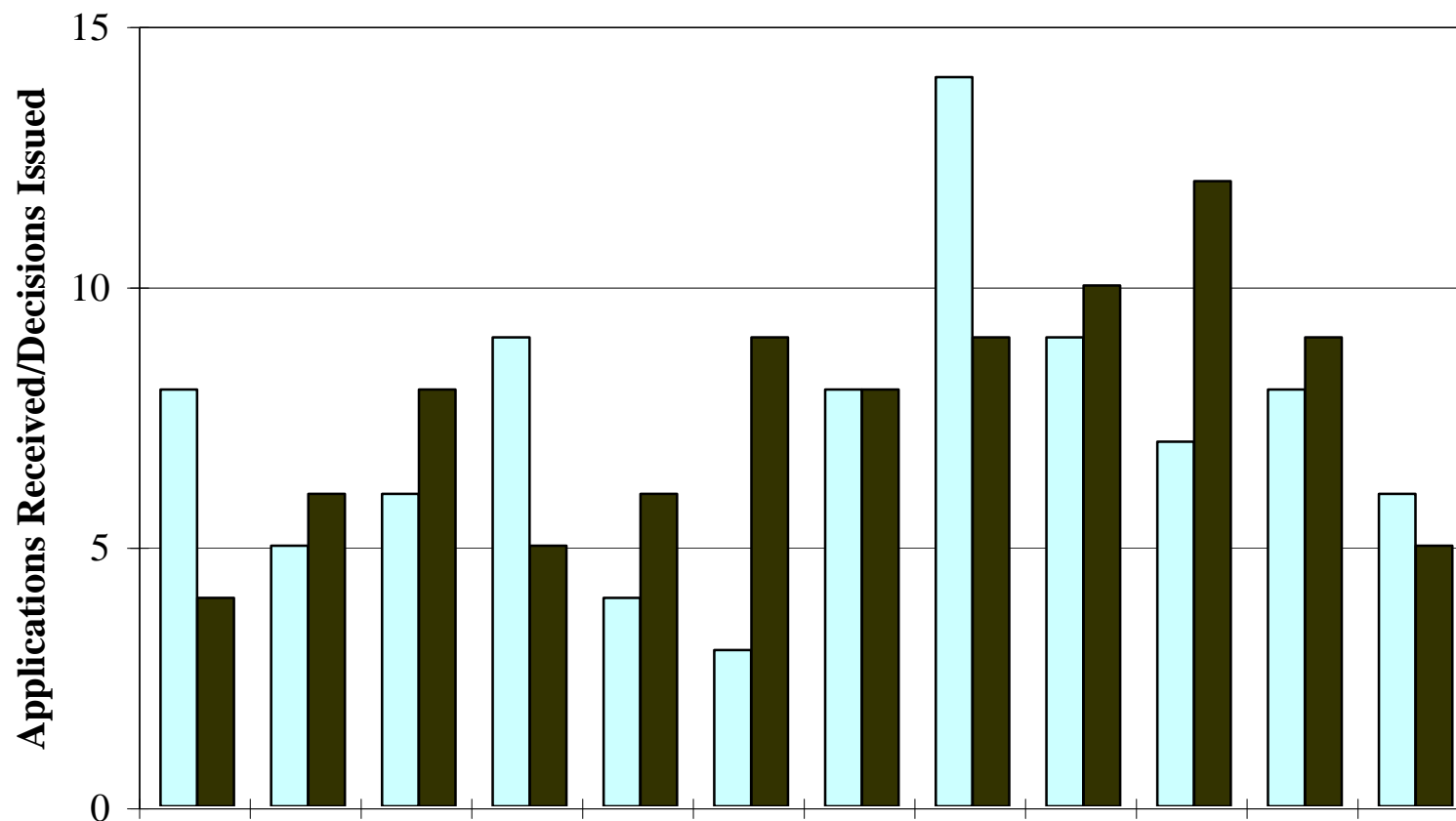
Late Permits in July:	0
Total Permits Issued in July:	0
Number of On-Time Permit, Modification, or Approval Decisions Issued in 2003:	4
Number of Late Permit, Modification, or Approval Decisions Issued in 2003:	0
Consecutive Months With No Late Permits:	60
Amount of Permit Fees Lost from Late Permits in 2003:	\$0

Amount of Permit Fees Collected in 2003: \$9,000

Hazardous Waste Permits has not issued a late permit decision since June 1998. In 2002, Hazardous Waste Permits issued 6 on-time permit decisions (0 late).

\$160,600 in permit fees were collected in 2002.

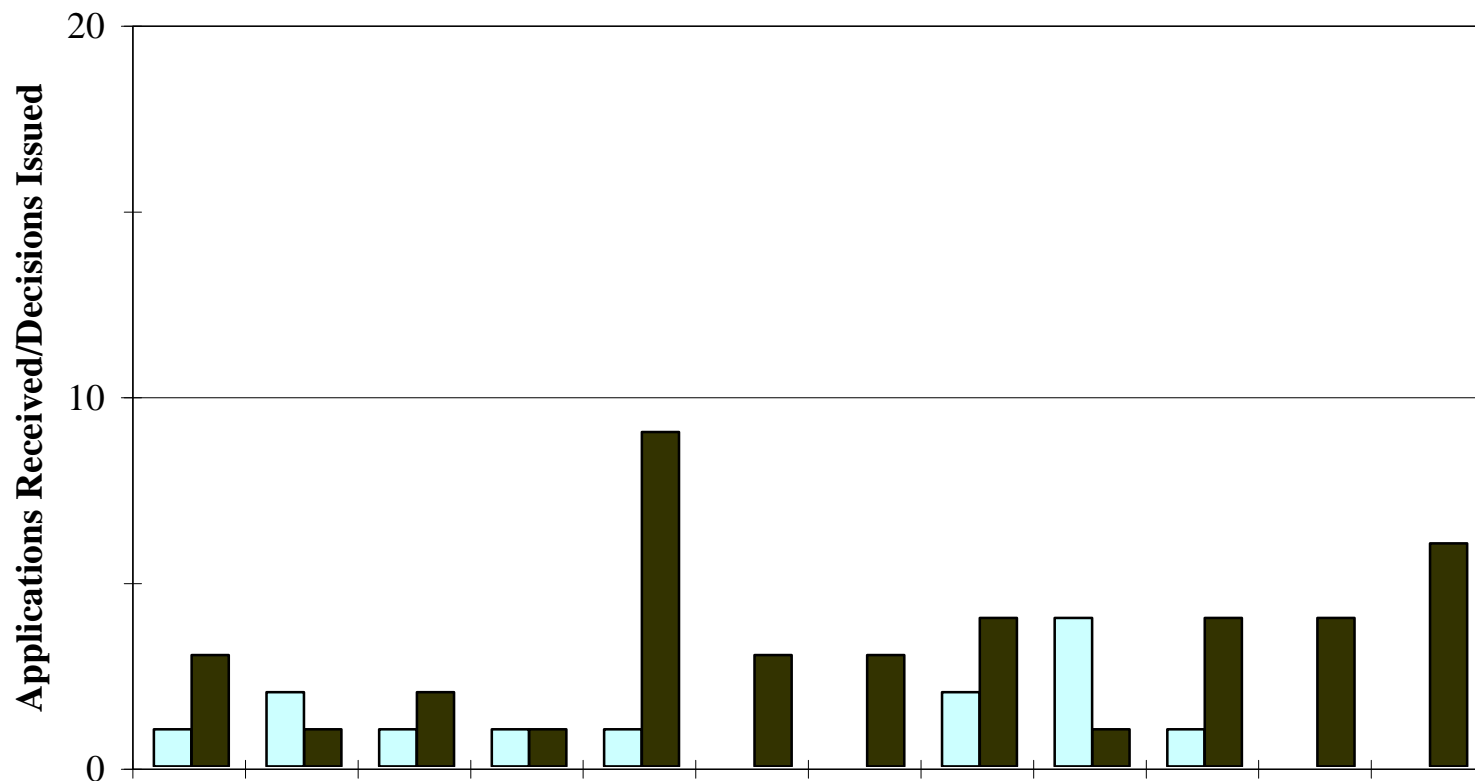
Office of Air Quality Minor Title V Operating Permits



Applications	Aug '02	Sept	Oct	Nov	Dec	Jan '03	Feb	Mar	Apr	May	June	July	Totals
Received ■	8	5	6	9	4	3	8	14	9	7	8	6	87
Final Decisions ■	4	6	8	5	6	9	8	9	10	12	9	5	91
Pending (not shown)	114	113	111	115	113	107	107	112	111	106	105	98	

Includes: Minor Source Operating Permit (MSOP) – a permit category created by new rules which became effective December 25, 1998 – the Source Specific Operating Agreements (SSOAs), and Federally Enforceable State Operation Permits (FESOPs). However, the chart excludes those FESOP and MSOP applications received as part of a combined construction permit/operating permit approval, such as FESOP/New Source Review, the issuance of which are instead tracked as construction permits (see page 9). Decisions includes permits issued as well as applications withdrawn, canceled, combined, or denied.

Office of Air Quality Title V Operating Permits (Major)



Applications	Aug '02	Sept	Oct	Nov	Dec	Jan '03	Feb	Mar	Apr	May	June	July '03	Totals
Received ■	1	2	1	1	1	0	0	2	4	1	0	0	13
Final Decisions ■	3	1	2	1	9	3	3	4	1	4	4	6	41
Pending (not shown)	191	192	191	191	183	180	177	175	178	175	171	165	

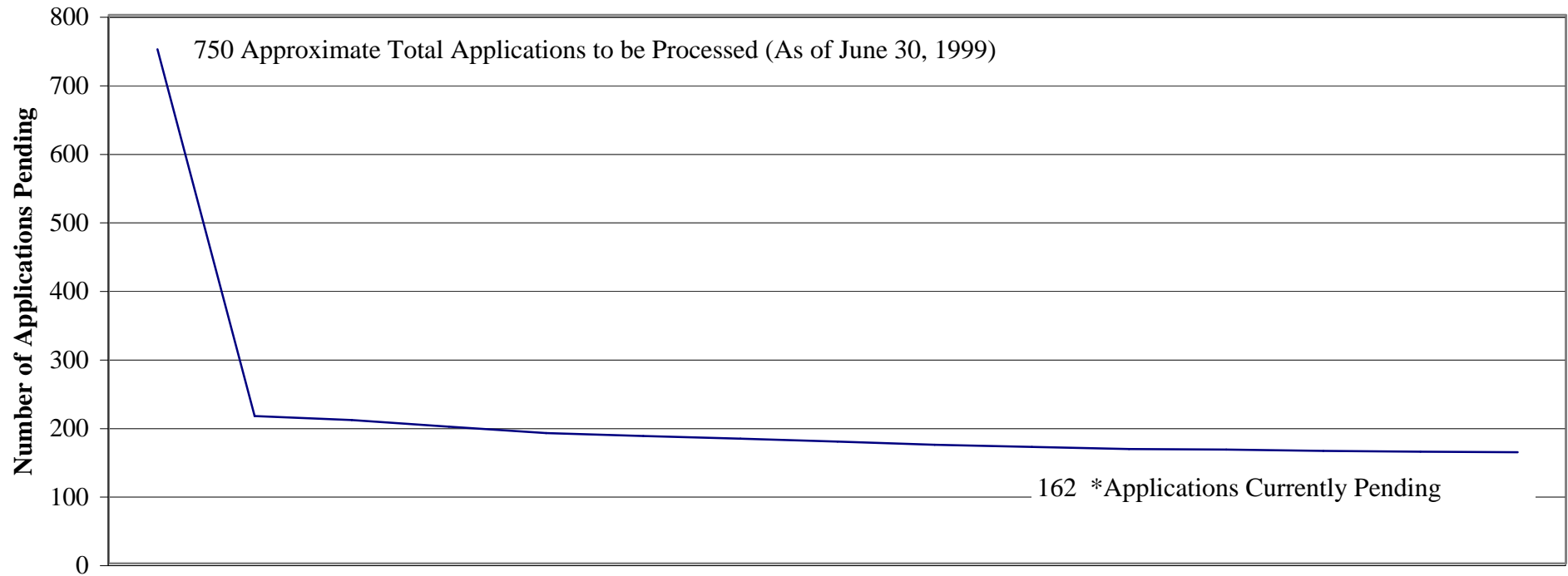
Includes: Title V only. However, the chart excludes those Title V applications received as part of a combined construction permit/operating permit approval, such as Title V/New Source Review, the issuance of which are instead tracked as construction permits (see page 9).

Note: The 1990 Amendments to the Clean Air Act required that the IDEM Office of Air Quality (OAQ) act by December 31, 2000, on all applications for Title V Air Operating Permits received before June 30, 1999. The OAQ has issued the majority of permit decisions required by the deadline, and decisions on the remaining applications are scheduled to be issued in 2003. The chart also includes applications received after June 30, 1999. Applications received after that date must be processed within 18 months. To date, **sixty-one (61)** such reviews have been completed and permits issued, with no late permits.

Office of Air Quality

Title V Progress Report

Permits Issued and Applications Pending As of July 31, 2003



	Winter Qtr (Thru Mar 31, 2002)		Spring Qtr (Thru June 30, 2002)		Summer Qtr (Thru Sept 30, 2002)		Fall Qtr (Thru Dec 31, 2002)		Winter Qtr (Thru Mar 31, 2003)		Spring Qtr (Thru Jun 30, 2003)		Summer Qtr (Thru Sept 30, 2003)	
	Qtly	Cumm	Qtly	Cumm	Qtly	Cumm	Qtly	Cumm	Qtly	Cumm	Qtly	Cumm	Qtly	Cumm
# of Draft Permits Currently on Public Notice or Beyond													35	
Permits Issued	12	541	19	560	8	568	9	577	6	583	3	586	2	588
* Applications Pending		209		190		182		173		167		164		162

Note: To comply with the Clean Air Act Amendments of 1990, IDEM was required by EPA to act by December 31, 2000, upon all the approximately 750 Title V permit applications which it received prior to June 30, 1999. While the majority of Title V permit decisions were issued by the December 31, 2000 deadline, a number of the more complex application reviews are still pending. According to recently revised EPA figures, as of March 2003, Indiana (nationally, [a leader among industrial states](#) in its processing of TV applications) has issued permits for [76 percent of the applications](#) it received.

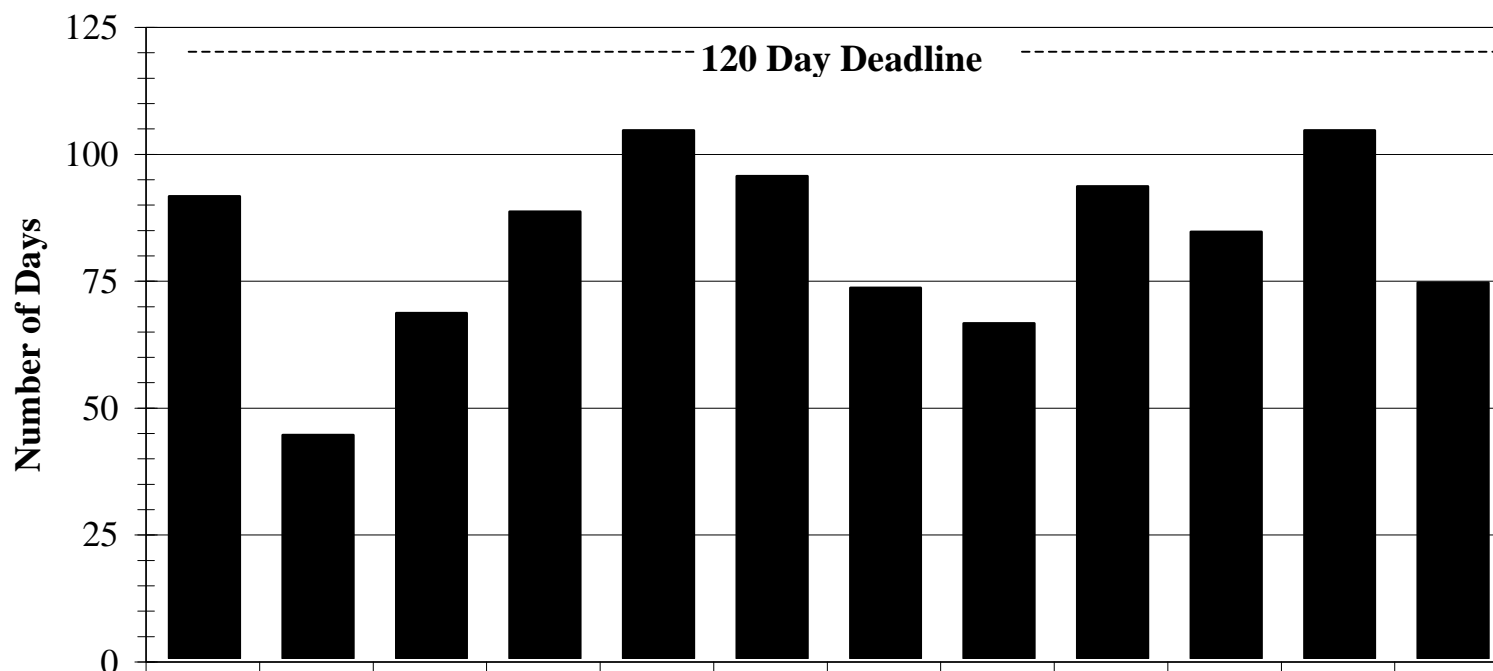
Qtly = Quarterly **Cumm** = Cumulative

*Applications Pending = Those remaining applications which have not yet been approved (issued), denied, canceled, withdrawn, or combined.

Office of Air Quality

New Construction/Source Modifications

Median Number of Days to Issue Permits Subject to 120 Day Deadline



Applications	Aug '02	Sept	Oct	Nov	Dec	Jan '03	Feb	Mar	Apr	May	June	July '03	Totals
Median # of Days to Issue	91	44	68	88	104	95	73	66	93	84	104	74	
#Permits Issued Past Deadline	0	0	0	0	0	0	0	0	0	0	0	0	0
Actual # of Permits Issued	10	3	8	6	9	8	3	15	11	6	11	9	99
#Applications Received	13	19	12	21	20	15	18	18	20	15	13	15	199
#Final Decisions	17	9	15	17	18	18	9	21	27	17	15	18	201
Applications Pending	105	115	112	116	118	115	124	121	114	112	110	110	

The top three rows of the table report the number of permits subject to the 120 day deadline which are issued each month, and the median number of days it took to issue those permits, which also is depicted in the bar graph. The bottom three rows of the table report the total number of applications received, decisions issued, and applications pending for all levels of construction approvals, including: Interim Construction Permits, Registrations, New Construction Permits, Federal Construction Permits, and applications for combined construction/operating permits (such as FESOP/NSR; Federally Enforceable State Operating Permit/New Source Review), as well as requests for modifications to existing registered or permitted sources, including modifications to Title V sources. However, modifications to Title V permits are tracked on page 11. Exemptions are not tracked on this chart.

Office of Air Quality

Federal Air Construction Permits (270 Day Review)

Number of Days to Issue Final Decisions

August 1, 2002 - July 31, 2003

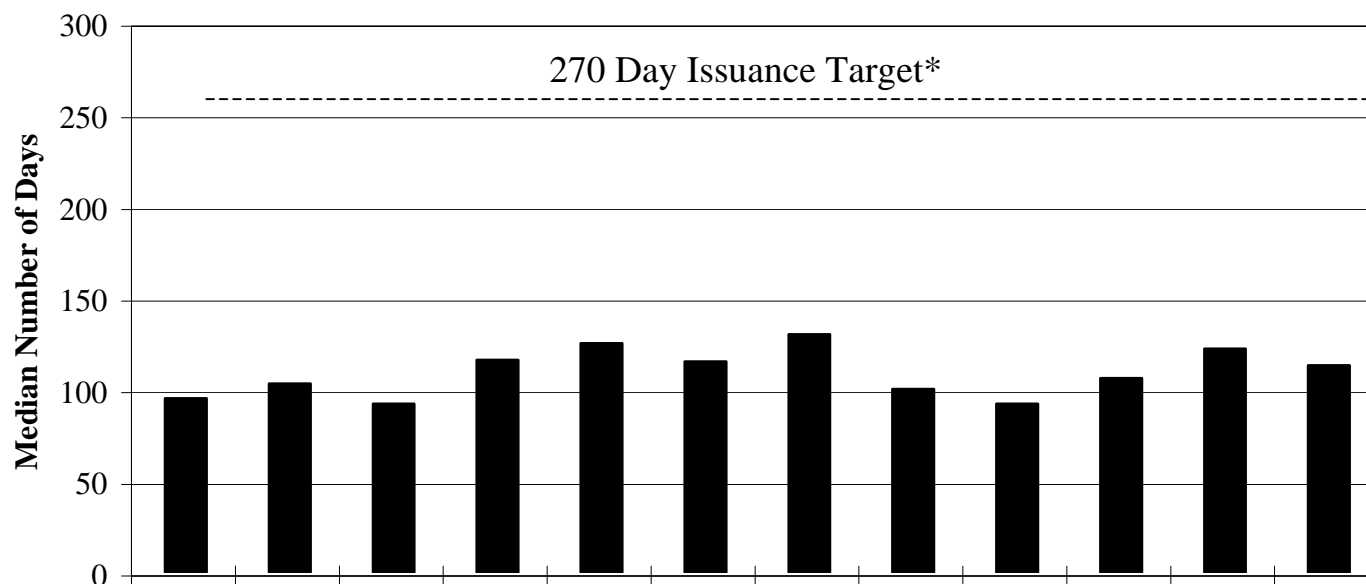
Applicant	County	Date Application Received	Final Decision	Date of Final Decision	Permit Decision Number	Number Of Days to Issue Decision*
Mirant Sugar Creek, LLC (Southern Energy Co.)	Vigo	12/13/01	Approved	7/24/02	167-15295-00123	172
Tenaska Indiana Partners, LP	Pike	10/3/02	Approved	11/12/02	125-12760-00039	249
Monaco Coach Corporation	Elkhart	5/9/02	Approved	12/11/02	039-15620-00017	96
SDI - Iron Dynamics, Inc.	DeKalb	5/2/02	Approved	12/18/02	033-15955-00076	213
PSEG Lawrenceburgh Energy Company, Inc.	Dearborn	7/19/02	Approved	12/23/02	029-16235-00033	83
Master Brand Cabinets, Inc. Plant 4/22	DuBois	2/9/01	Approved	2/3/03	037-13893-00051	161
Duke Energy Vermillion, LLC	Vermillion	4/9/02	Approved	3/13/03	165-15845-00022	109
Cooper Tire & Rubber Company, Eng. Prod. Div	KeKalb	7/26/02	Approved	4/8/03	033-15942-00013	127
Mirant Sugar Creek	Vigo	1/10/03	Approved	4/23/03	167-17117-00123	26
University of Notre Dame	St. Joseph	7/8/02	Approved	4/30/03	141-15828-00013	92
Whiting Clean Energy, Inc.	Lake	6/7/02	Approved	5/2/03	089-15716-00449	247
Beta Steel Corp.	Porter	4/2/98	Approved	5/30/03	127-9642-00036	154
Toyota Motor Manufacturing, Indiana, Inc.	Gibson	11/18/02	Approved	6/27/03	051-16470-00007	103

* The "Median Number of Days to Issue Final Decisions" on Federal PSD (Prevention of Significant Deterioration) Level Review of New Air Construction Permits and Significant Title V Source Modifications issued during the past 12 months was 127 days. Instances when the elapsed time between the receipt of an application and the issuance of a decision do not match the "Number of Days to Issue Decision" are the result of time clock stoppages to allow the applicant to provide additional information as required by IDEM.

Office of Air Quality

Significant Modifications to Title V Operating Permits

Number of Days to Issue Significant Permit Modifications



Applications	Aug '02	Sept	Oct	Nov	Dec	Jan '03	Feb	Mar	Apr	May	June	July '03	Totals
Median # of Days to Issue	95	103	92	116	125	115	130	100	92	106	122	113	
#Late Permit Modifications	0	0	0	0	0	0	0	0	0	0	0	0	0
Actual # Modifications Issued	4	1	7	8	6	9	2	11	9	7	2	9	75
Total Applications Received	5	10	8	7	12	7	7	6	7	2	5	6	82
Total Decisions	13	1	8	9	6	9	2	12	10	8	2	8	88
Total Applications Pending	37	46	46	44	50	48	53	47	44	38	41	42	

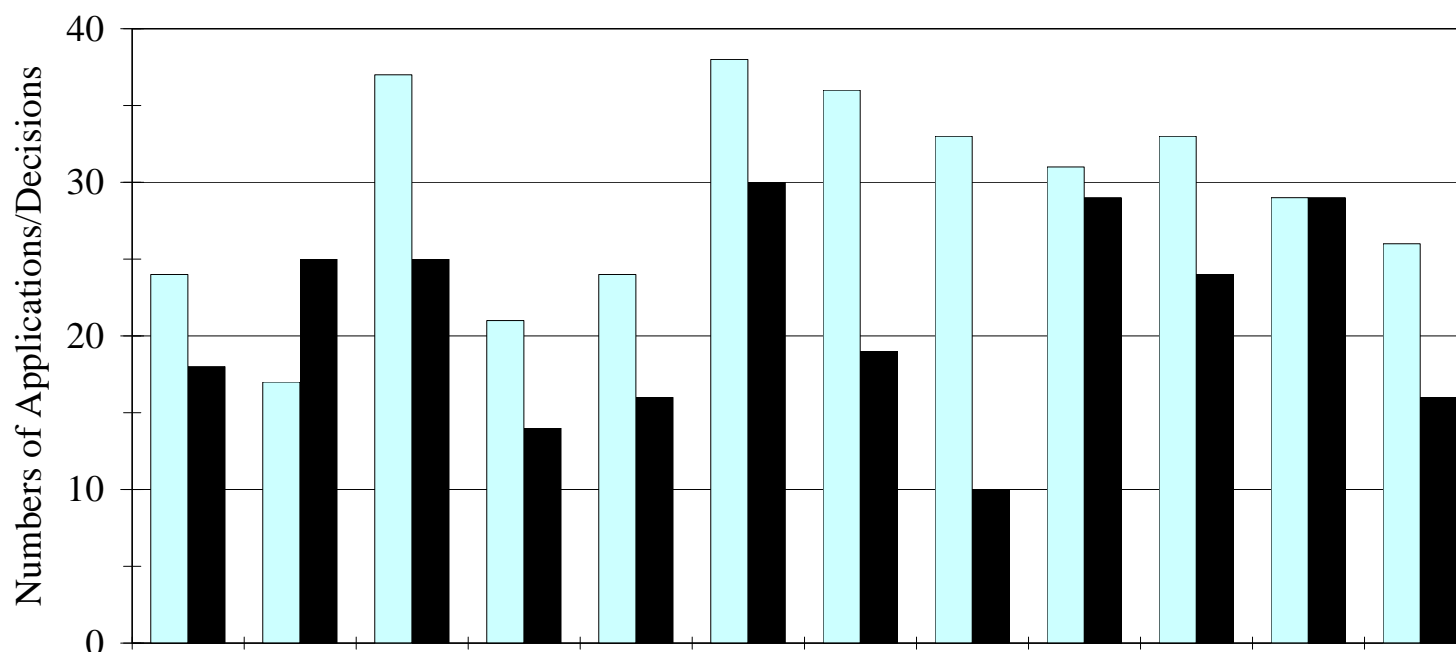
* There is no statutory deadline for the approval of Title V significant permit modifications; instead 326 IAC 2-7-12(d)(2) states that IDEM shall complete review of the majority of significant permit modifications within nine (9) months after receipt of a complete application. Approvals for modifications to existing sources with Title V permits is a two step process: source modification approval and permit modification approval. Pre-construction approvals for modifications to "sources" are tracked on page 9 (or page 10 if a federal level review is required).



Note: This chart tracks approvals for modifications to the actual Title V permits of those sources which did not opt to have any required permit modifications reviewed simultaneously with pre-construction source modification approvals which would have instead allowed their permit to be subsequently modified by way of an administrative permit amendment. The top three (3) rows of the table report the actual number of modifications issued monthly, and the median number of days to issue, while the bottom three (3) rows report the total number of modification applications received, decisions issued (including applications withdrawn, canceled, combined, or denied) and applications pending.

Office of Water Quality

National Pollutant Discharge Elimination System (NPDES)

Permit Renewals Pending



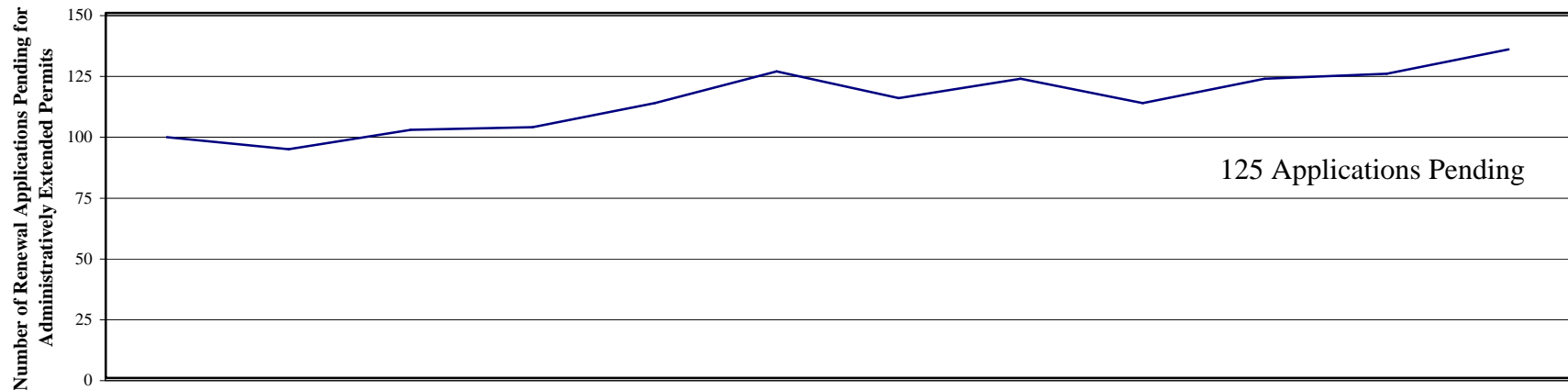
Applications	Aug '02	Sep	Oct	Nov	Dec	Jan '03	Feb	Mar	Apr	May	Jun	Jul '03	Totals
Received 	24	17	37	21	24	38	36	33	31	33	29	26	349
Final Decisions 	18	25	25	14	16	30	19	10	29	24	29	16	255
Pending*	173	165	177	184	192	200	217	240	242	251	251	261	

NPDES Permits, which are issued to all municipal and industrial facilities discharging wastewater into the "waters of the state", expire after five years. Waters of the state means such accumulations of water, surface and underground, natural and artificial (manmade reservoirs or channels), public and private, or parts thereof, which are wholly or partially within, which flow through, or which border upon the state of Indiana. This chart tracks three types of general and individual NPDES permit applications: 1) permits which are still effective and for which a renewal application already has been received; 2) permits for which the renewal application was received after the permit expired; and 3) permits which have been administratively extended because the renewal application was received prior to the permit becoming expired.

*The data provided for applications pending represents a "snapshot" of the number of permit applications pending at the end of the given month.

Office of Water Quality

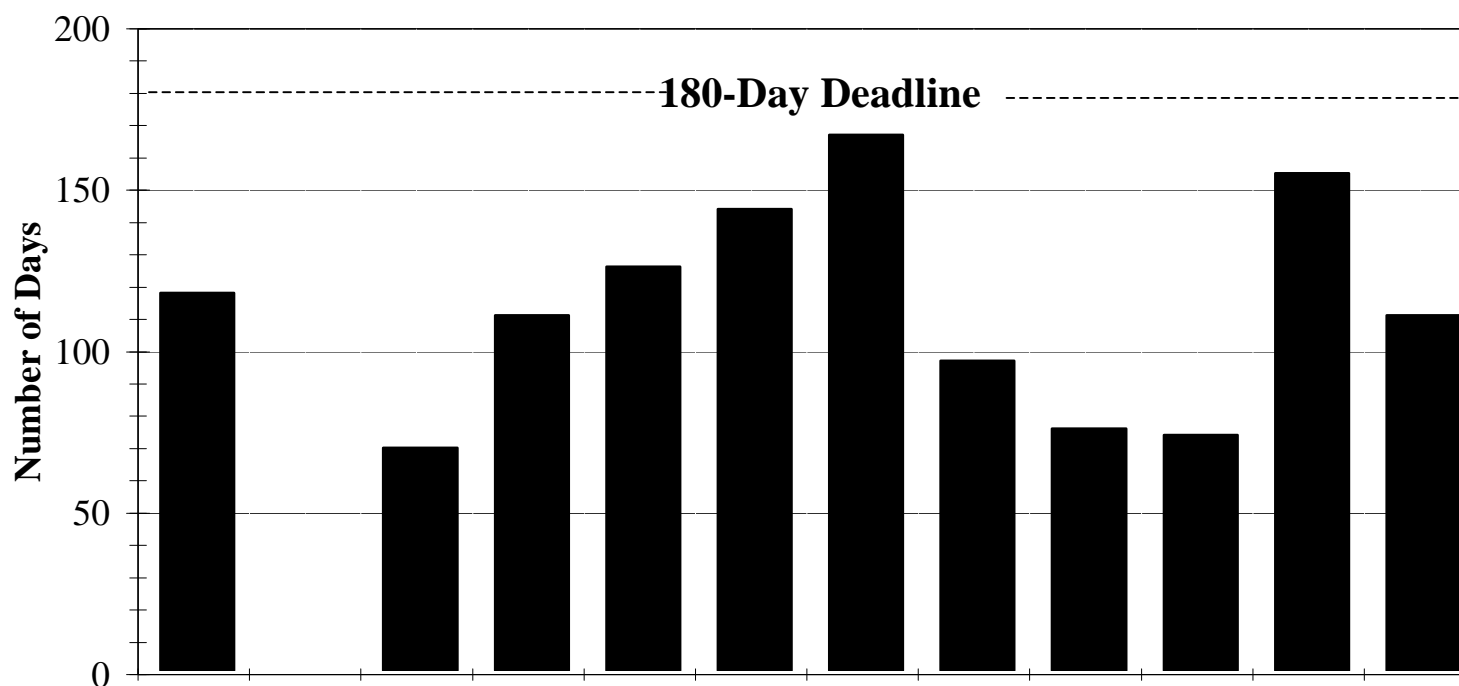
National Pollution Discharge Elimination System (NPDES) Permit Renewal Renewal Applications Pending for Administratively Extended (Admin Ext) Permits



	Aug '02	Sept	Oct	Nov	Dec	Jan '03	Feb	Mar	Apr	May	June	July '03	Totals
Admin Ext Permits Issued Each Month	4	3	7	2	4	7	6	4	13	12	16	9	87
Backlog: Renewal Applications Pending for Admin Ext Permits (Not Yet Public Noticed)	99	94	102	103	113	126	115	123	113	123	125	135	
Monthly Total # of Still "Active" Permits With Applications Already On File	95	112	119	114	111	110	132	133	143	121	126	117	
Admin Ext Permits Public Noticed Each Month	8	6	5	10	8	6	19	11	4	17	5	18	
Monthly Total # of Draft Permits Which Have Been Public Noticed One or More Times	46	45	48	46	53	46	53	56	58	67	53	66	

Note: The term "backlog" of NPDES permit applications includes only those permits which have been administratively extended after a renewal application was submitted in a timely manner (prior to the expiration of the permit), but for which a draft permit has not yet been placed on public notice. The NPDES backlog (shown on the chart and on line 2 [the second line] of the table) has been reduced from approximately 673 in January 1998, to the number currently displayed on the chart. Renewal applications are due 180 days prior to the expiration of the permit. Thus, a number of applications already are on file with the Office of Water Quality for permits which are still "active" and therefore not yet considered part of the backlog (see line 3). Once a draft permit has been placed on public notice, it no longer is considered as "backlogged" because final issuance can be delayed by the applicant or other interested parties. Line 4 shows the number of permits on public notice each month. Line 5 (at the bottom of the table) shows the total number of administratively extended draft permits which have been public noticed, but have not yet been issued. This chart is a subset of the "Permit Renewals Pending" chart on the previous page.

Office of Water Quality
New National Pollutant Discharge Elimination System (NPDES) Permits
Median Number of Days to Issue Final Decisions
(Minor Individual)

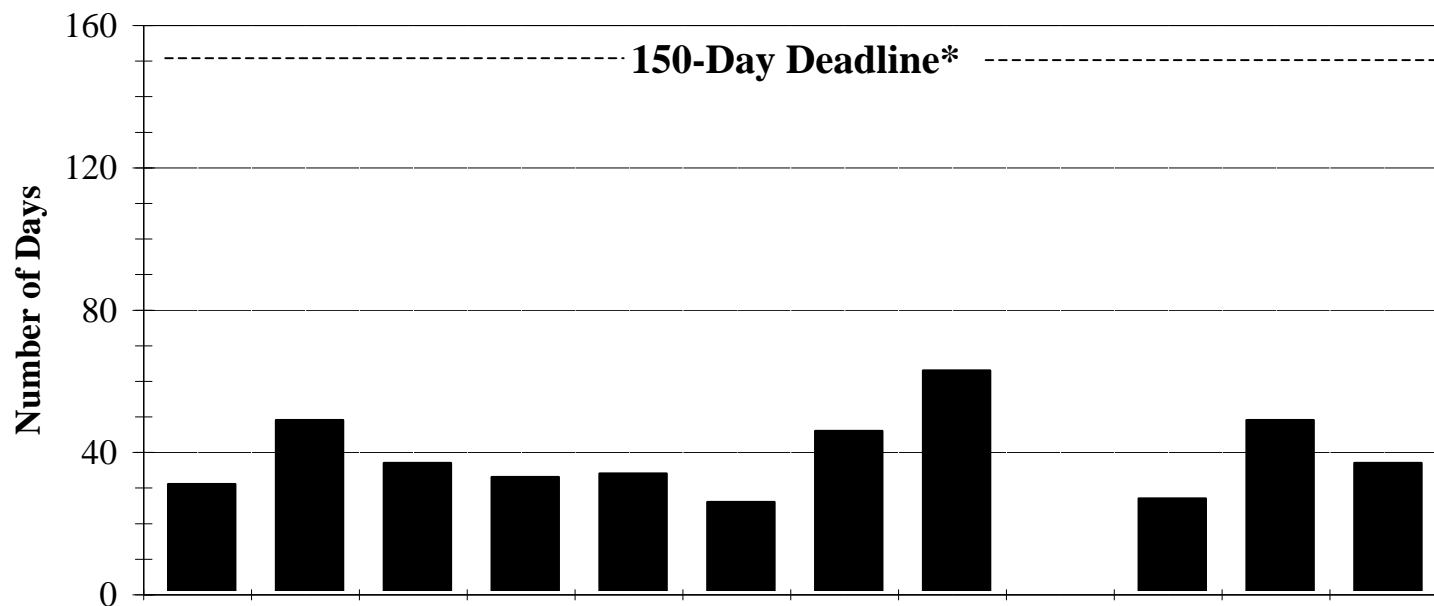


Applications	Aug '02	Sep	Oct	Nov	Dec	Jan '03	Feb	Mar	Apr	May	Jun	July '03	Totals
Median # of Days to Issue	117	N/A	69	110	125	143	166	96	75	73	154	110	
#Final Decisions Past Deadline	0	0	0	0	0	0	0	0	0	0	0	0	0
#Applications Received	6	2	0	0	3	4	2	2	2	2	2	4	29
#Final Decisions	2	0	1	4	3	3	1	1	1	1	3	4	24
Applications Pending*	54	56	55	51	51	52	53	54	55	56	55	55	

Minor Individual NPDES permits are issued to facilities discharging less than one million gallons per day, and which are not eligible for a general permit-by-rule.

*The data provided for applications pending represents a "snapshot" of the number of permit applications pending at the end of the given month.

Office of Water Quality
New National Pollutant Discharge Elimination System (NPDES) Permits
Median Number of Days to Issue Final Decisions
(Minor General)



Applications	Aug '02	Sep	Oct	Nov	Dec	Jan '03	Feb	Mar	Apr	May	Jun	July '03
Median # of Days to Issue	30	48	36	32	33	25	45	62	N/A	26	48	36
#Final Decisions Past Deadline	0	0	0	0	0	0	0	0	0	0	0	0
#Applications Received	2	1	3	0	2	0	2	1	8	4	7	2
#Final Decisions	1	4	3	2	3	3	1	3	0	5	8	6
Applications Pending**	21	18	18	16	15	12	13	11	19	18	17	13

0
32
39

Minor General NPDES Permits are for specific types of discharges of less than 1 million gallons, including non-contact cooling water, discharges from coal mines, sand, gravel, and stone quarries, and from petroleum products terminals, petroleum-related groundwater remediation activities, or hydrostatic testing of commercial pipelines.

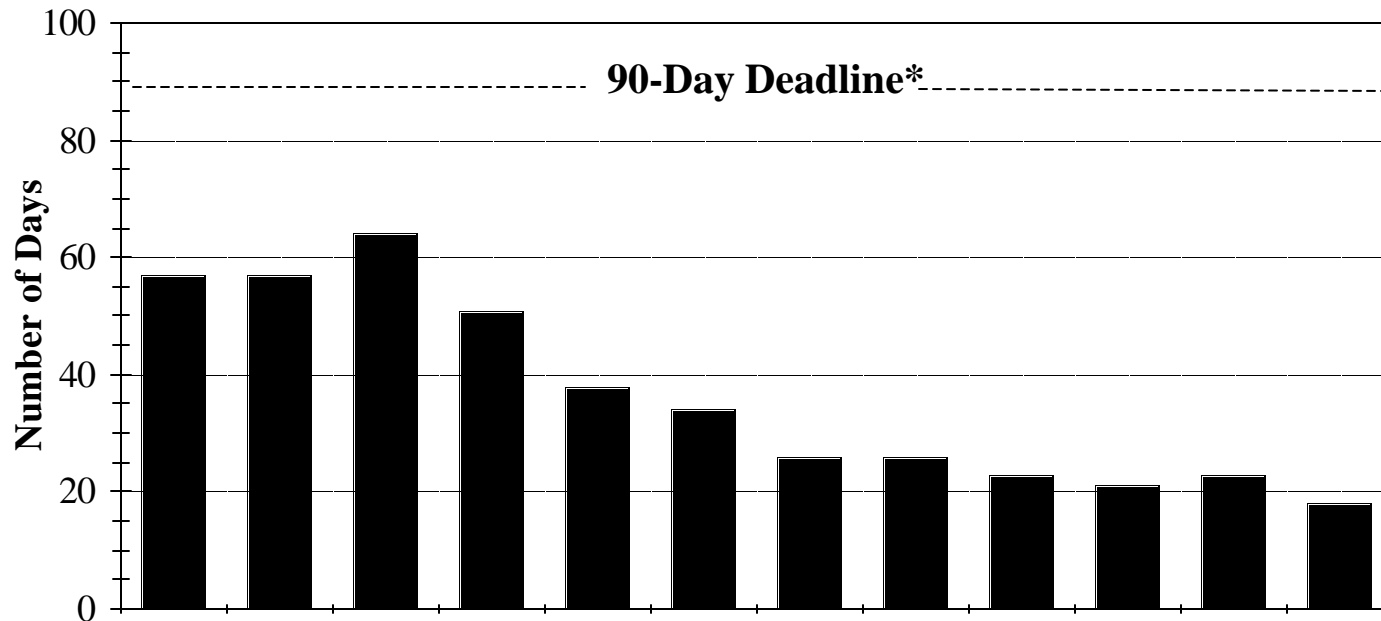
*HEA 1919, which became effective July 1, 1999, reduced the allowable time frame for IDEM review of NPDES general permit applications from 180 days to 150 days.

**The data provided for applications pending represents a "snapshot" of the number of permit applications pending at the end of the given month.

Office of Water Quality

Wastewater Facility Construction Permits

Median Number of Days to Issue Final Decisions



Applications	Aug '02	Sep	Oct	Nov	Dec	Jan '03	Feb	Mar	Apr	May	Jun	Jul '03	Totals
Median # of Days to Issue	57	57	64	51	38	34	26	26	23	21	23	18	
#Final Decisions Past Deadline	0	0	0	0	0	0	0	0	0	0	0	0	0
#Applications Received	83	79	71	55	51	60	68	74	91	72	88	80	872
#Final Decisions	86	47	88	135	55	89	53	92	83	65	86	84	963
Applications Pending**	186	218	201	121	117	88	103	85	93	100	102	98	

Under 327 IAC 3-2.1-3, sanitary sewer extensions do not require a permit from IDEM if the plans are prepared by a professional engineer, submitted to and reviewed by a local publicly-owned sewer authority, and meet all state water pollution control rules and if the local authority then notifies IDEM. Similarly, under 327 IAC 3-2-4 (11-13), repairs, replacements, modifications, or additions of equipment for an existing municipal or industrial water pollution treatment/control facility do not require a permit if they are not made to treat a new influents, or if there is no increase in the capacity of the facility. These rules became effective June 17, 1999, and their subsequent impact is reflected in the decreasing numbers of applications pending.

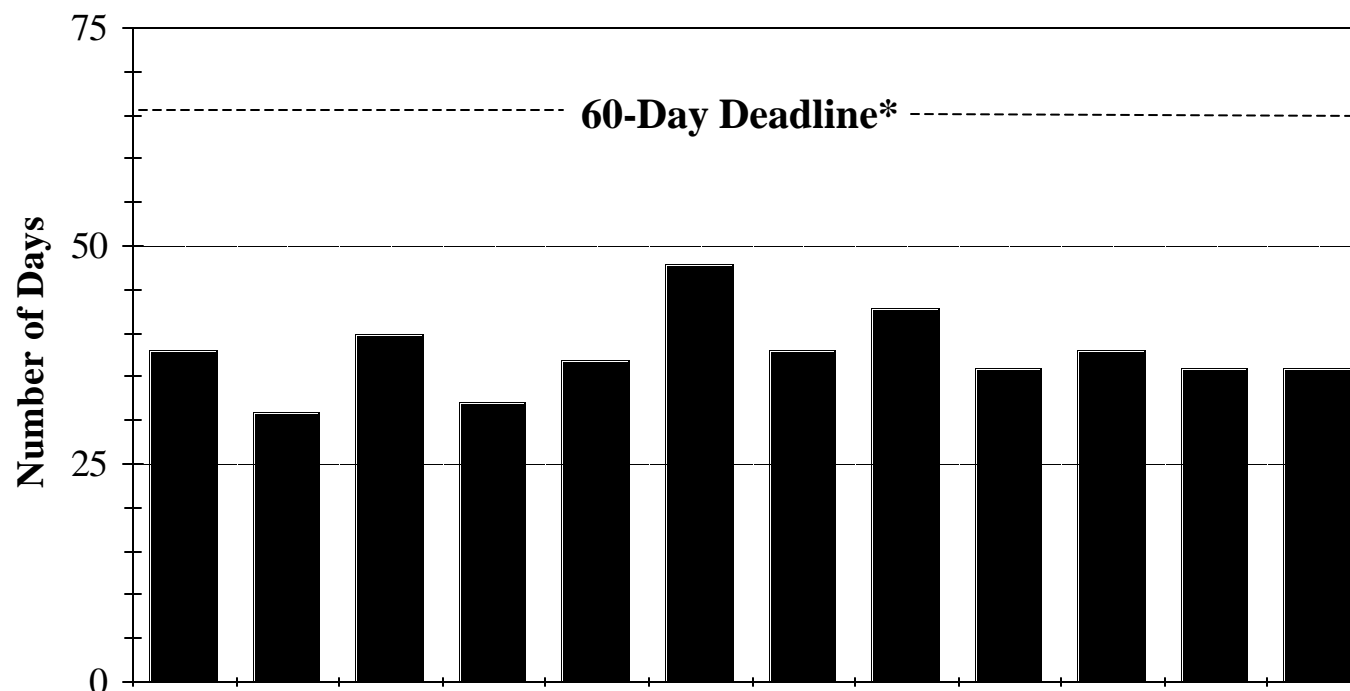
* HEA 1919, effective July 1, 1999, reduced the allowable time frame for IDEM review of wastewater construction permit applications from 120 days to 90 days.

**The data provided for applications pending represents a "snapshot" of the number of permit applications pending at the end of the given month.

Office of Water Quality

Drinking Water Construction Permits

Median Number of Days to Issue Final Decisions



Applications	Aug '02	Sep	Oct	Nov	Dec	Jan '03	Feb	Mar	Apr	May	Jun	Jul '03	Totals
Median # of Days to Issue	38	31	40	32	37***	48	38	43	36	38	36	36	
#Final Decisions Past Deadlin	0	0	0	0	0	0	0	0	0	0	0	0	
#Applications Received	27	20	21	16	27	14	18	27	27	32	28***	23	280
#Final Decisions	24	22	20	19	16***	21	18***	19***	21***	39	27	35	281
Applications Pending**	38	36	37	34	11	4	4	12	18	11	12	0	

* IC 13-15-4-1 (as amended by HEA 1919, effective July 1, 1999) required the time frame for permitting decisions on applications for Drinking Water Facility Construction Permits to be reduced from 120 days to 90 days. In addition, state rule 327 IAC 8-3-5.5 limits permit review of all Drinking Construction Permit applications -- except those for water treatment plants -- to 60 days, the decisions deadline depicted on this chart.

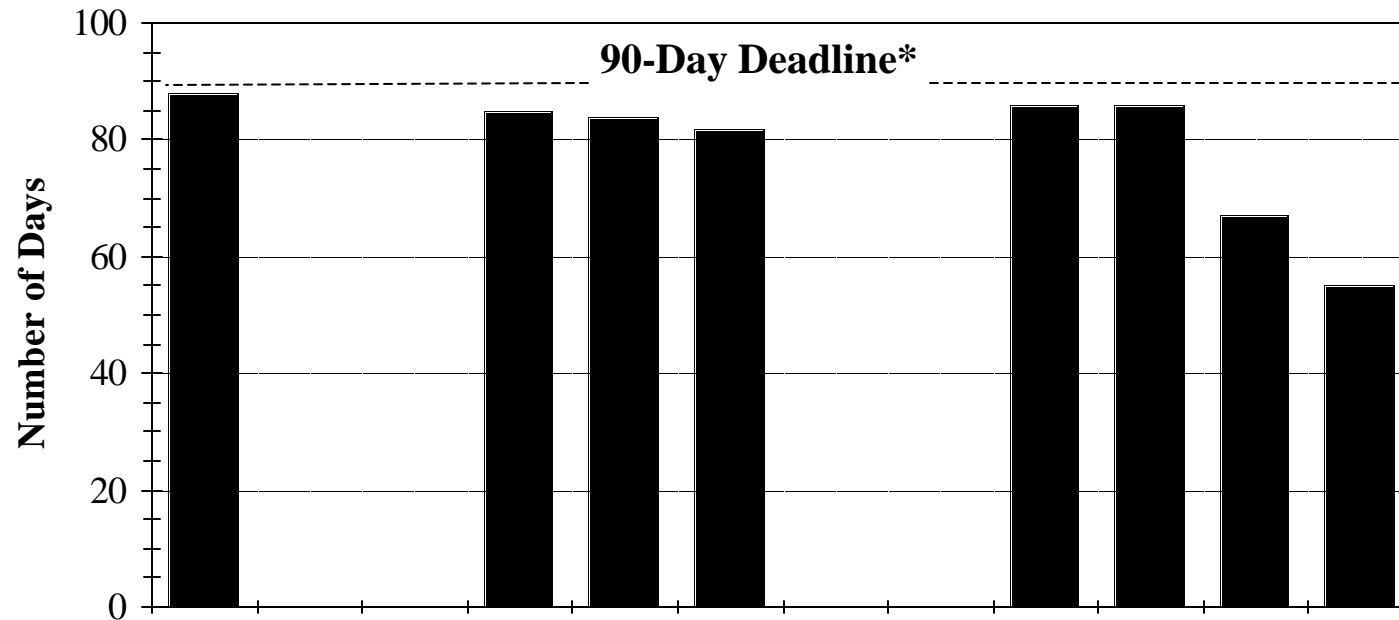
**The data provided for applications pending represents a "snapshot" of the number of permit applications pending at the end of the given month.

*** Values adjusted due to late entry into database.

Office of Land Quality

Solid Waste Minor Permit Modifications

Median Number of Days to Issue Final Decisions



Applications	Aug '02	Sep	Oct	Nov	Dec	Jan '03	Feb	Mar	Apr	May	Jun	Jul '03	Totals
Median # of Days to Issue	88	N/A	N/A	85	84	82	N/A	N/A	86	86	67	55	
#Final Decisions Past Deadline	0	0	0	0	0	0	0	0	0	0	0	0	0
#Applications Received	1	2	0	0	1	2	1	1	4	0	2	1	15
#Final Decisions	1	0	0	1	3	1	0	0	2	3	1	2	13
Pending Applications**	3	5	5	4	2	3	4	5	7	5	6	5	

Note: A Minor Permit Modification of a solid waste land disposal facility is a change that does not increase the facility's capacity by the lesser of 10% or 500,000 cubic yards, or change the boundary by more than one acre.

* As provided in IC 13-15-4-2, thirty (30) additional days are allowed for solid waste minor permit modifications and certain other IDEM-issued permits issuances, whenever a public hearing is conducted. In accordance with this statute, 30 days are automatically subtracted from the total number of days for permit issuance for permits subjected to a public hearing in cases where the permit is consequently issued in excess of the 90-day deadline applicable to permits not subject to a public hearing.

**The data provided for applications pending represents a "snapshot" of the number of permit applications pending at the end of the given month.

Office of Land Quality
Solid Waste Landfills and Processing Facilities
New Facility Permits and Major Permit Modifications
Number of Days to Issue Final Decision

August 1, 2002 - July 31, 2003

Decisions Issued on New Landfill Facility Applications or Major Modifications of Landfills

Site Name	County	Application Type	Date Application Received	Decision	Date of Decision	Review Deadline (in days)	# of Days to Issue Decision
New Paris Pike Landfill	Wayne	Mod - A	5/2/01	Approved	12/20/02	365	326
Scepter RWS I	Knox	Mod - A	2/22/01	Approved	1/14/03	365	365
Wabash Valley Landfill	Wabash	Mod - A	12/3/01	Approved	5/15/03	365	288
Jay County Landfill	Jay	Mod - A	2/27/02	Approved	7/7/03	365	362

* The "Median number of days to Issue Final Decisions" on new landfill facilities or major modifications of landfills during the past 12 months was 335 days.

Decisions Issued on New Processing Facility Applications

Site Name	County	Application Type	Date Application Received	Decision	Date of Decision	Review Deadline (in days)	# of Days to Issue Decision**
Landrum C/O Processing Facility	Marion	C/O	3/6/02	Approved	9/20/02	180	169
Allison Transfer Systems	Madison	Mod - A	5/31/02	Approved	9/24/02	180	117
Illiana Transfer #3	Lake	Mod - A	11/12/02	Approved	6/12/03	180	150

** The "Median number of days to Issue Final Decisions" on new processing facilities during the past 12 months was 145 days.

Legend:

C/O = Construction and Operation Permit
C/D = Construction and Demolition Debris Landfill
Mod - A = Modification to Increase Landfill Area
Mod - H = Modification to Increase Landfill Height

Office of Land Quality
Hazardous Waste Treatment, Storage and Disposal Facilities
Class 2 and Class 3 Permit Modifications
Number of Days to Issue Final Decision
August 1, 2002 - July 31, 2003

Decisions Issued on Applications for Class 2 Modification

Site Name	County	Date Application Received	Decision	Date of Decision	Review Deadline (in days)	# of Days to Issue Decision
HES (INR 02-3)	Putnam	2/6/02	Approved	12/16/02	120	120
HES (INR 02-4)	Putnam	5/9/02	Approved	9/16/02	120	62
HES (IN02-3)	Marion	7/30/02	Approved	1/2/03	120	118
Chemical Waste Mgmt.	Allen	3/3/03	Approved	5/12/03	120	99
HES (IN02-6)	Marion	10/18/02	Approved	7/31/03	120	146*

The "Median number of days to Issue Final Decisions" on Class 2 Permit Modifications during the past 12 months was 100 days.

** Facility signed a 60-day time extension.*

Class 2 Modifications apply to changes to the permit which are necessary to enable the permittee to respond, in a timely manner, to

- 1) Common variations in the types and quantities of wastes managed under the facility's permit;
- 2) Technology advancements, and
- 3) Changes necessary to comply with new regulations.

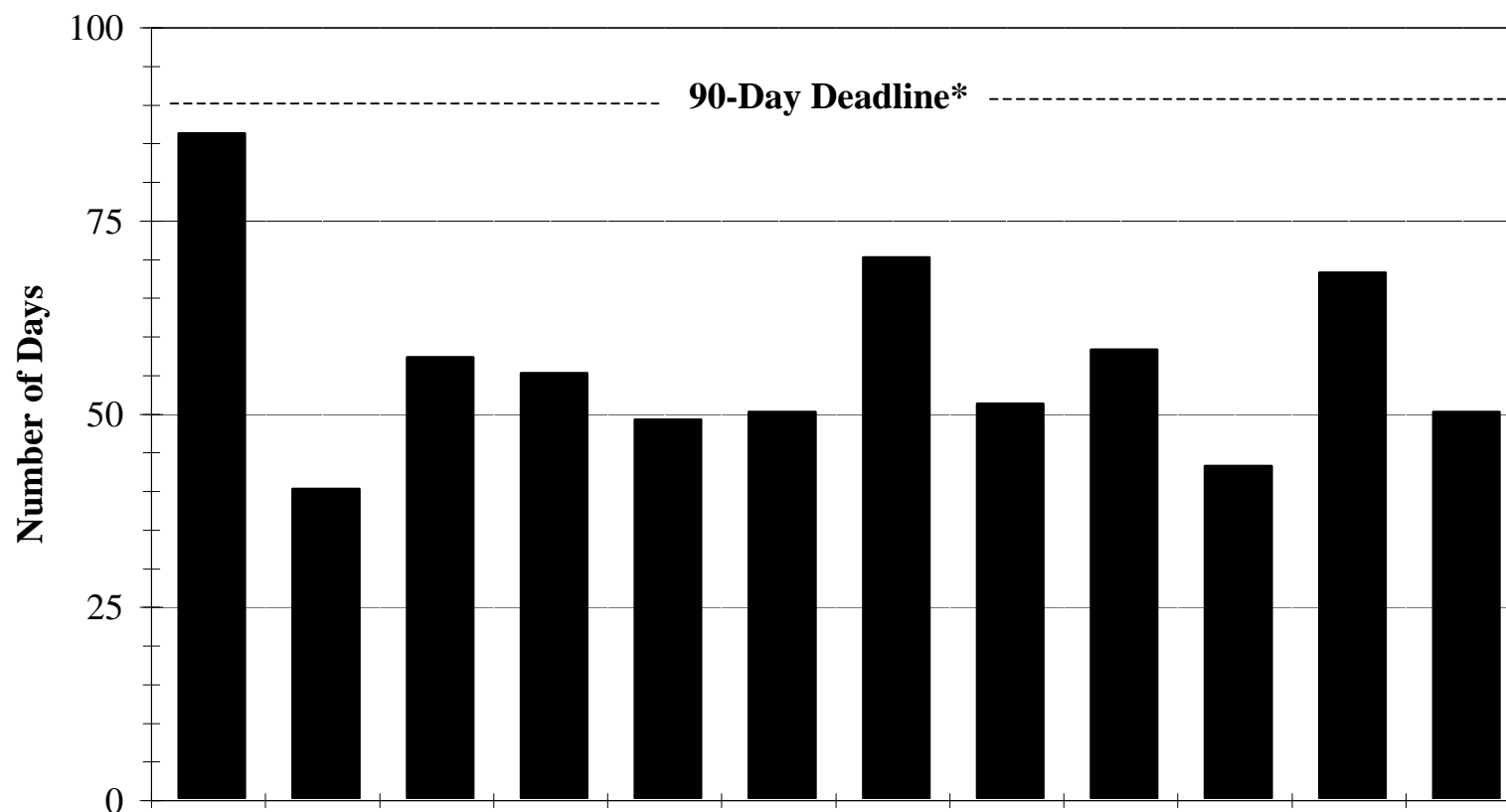
Decisions Issued on Applications for Class 3 Modification

Site Name	County	Date Application Received	Decision	Date of Decision	Review Deadline (in days)	# of Days to Issue Decision
Newport Chemical Depot (Corr., Action)	Vermillion	4/9/02	Approved	2/5/03	270	237

Class 3 Modifications substantially alter the facility or its operation. Applications for modifications to landfills must be processed in 365 days, while applications for modifications to storage, treatment or incinerator facilities must be processed 270 days.

Office of Land Quality

Confined Feeding Operation Approvals



Applications	Aug '02	Sep	Oct	Nov	Dec	Jan '03	Feb	Mar	Apr	May	June	July '03	Totals
Median # of Days to Issue	86	40	57	55	49	50	70	51	58	43	68	50	
# Final Decisions Past Deadline	0	0	0	0	0	0	0	0	0	0	0	0	0
# Applications Received	7 **	6 **	9 **	6 **	6 **	4 **	12**	5 **	12**	5 **	8	8	88
# Final Decisions	7	6	12	6	7	7	4	7	5	6	12	7	86
Applications Pending***	54**	51**	49**	49**	49**	46**	53**	53**	61**	61**	58	58	

* State law IC 13-18-10-2.1 requires that applications be reviewed and processed within 90 days of receipt of a complete application.

** These numbers have been amended to account for permitting data logged in after the initial report was released.

*** The data provided for applications pending represents a "snapshot" of the number of permit applications pending at the end of the given month.



For Immediate Release
July 1, 2003

Contact: Bonnie Nash
(317) 232-8596
bnash@dem.state.in.us

Feds pump out \$179,000 for IDEM's boat sewage pumpout program to keep Hoosier waters cleaner

Many Hoosiers will kick off their Independence Day reverie with a trip to their favorite recreational Indiana waterbody. If that river or lake excursion includes cruising a watercraft with an on-board restroom facility, the Indiana Department of Environmental Management (IDEM) encourages boaters to be environmentally-conscious by emptying their waste holding tanks into one of the state's 35 marina pumpout stations.

IDEM will receive \$179,715 to develop additional boat sewage pumpout facilities on several inland lakes and two marinas along the Ohio River. The grant is the last installment of the five-year federal Clean Vessel Act pumpout grant program administered by the U.S. Fish and Wildlife Service. It is unknown whether the grant program will be continued by the federal government next year.

Marine pumpout stations perform just as their namesake says. They pump the waste from a boat's holding tank to a commercial waste hauler or directly into the city sewer system. Pumpout stations are located at most public marinas throughout the state and are equipped with universal boat fittings.

As the number of recreational boaters increases, the threat of polluting Indiana's waters with raw human sewage increases as well. Raw or poorly treated sewage dumped in ditches, creeks, streams, rivers and lakes can spread disease, increase E. coli bacteria levels, and lower oxygen levels in water, creating a human health hazard as well as an aquatic health hazard for fish and other animals.

Congress passed the Clean Vessel Act in 1992 to help reduce pollution from vessel sewage discharges. Since then, more than \$90 million in pumpout grants has been administered for use by individual states. IDEM awards the grant funding for Indiana's pumpout program, which reimburses up to 75 percent of total pumpout construction costs for public-access marinas. The program is also available to repair existing units and to install dumping stations.

Additional information and a map with Indiana's 35 marina pumpout locations are available on IDEM's Web site at <http://www.in.gov/idem/water/fasb/opersect/cva/index.html>.



News

www.IN.gov/idem

For Immediate Release
July 2, 2003

Contact: Bonnie Nash
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bnash@dem.state.in.us

IDEM, Indianapolis invite public to discuss West Fork White River TMDL implementation plan

WHO: Indiana Department of Environmental Management (IDEM)

WHAT: Public meeting regarding Total Maximum Daily Load (TMDL)
for West Fork White River from the Marion/Hamilton county line to Waverly

WHEN: July 7, 2003, 6:30 to 9 p.m.

WHERE: Emmerich Manual High School, Mini Auditorium, 2405 Madison Ave., Indianapolis

WEB SITE: <http://www.in.gov/idem/water/assessbr/tmdl/tmdldocs.html>

Marion, Johnson and Morgan county residents are encouraged to attend a final public meeting next week to discuss the plan that has been developed by the city of Indianapolis and environmental consultants Camp Dresser and McKee (CDM) to help the West Fork of the White River, from the Marion/Hamilton county line to Waverly, meet E. coli and cyanide and dissolved oxygen water quality criteria. This meeting marks the beginning of a 30-day public comment period.

Officials from the city and CDM will discuss their load allocations for the daily amounts of pollutants that should be allowed to enter the West Fork White River. IDEM's TMDL water quality experts will present information on how the agency will implement the plan to monitor and control pollution flowing into the river. TMDL is a plan required by the federal Clean Water Act to determine the amount of pollutants that can enter the nation's waterways and still meet water quality standards. IDEM is responsible for determining Indiana's TMDLs for its impaired water bodies. Streams, rivers, lakes and creeks that do not meet water quality standards for designated uses are considered impaired. Designated uses include recreation, the support of plant and animal life or fish consumption. Waterbodies become impaired when pollutants are repeatedly introduced to the water over a long period of time. Pollutants can include industrial discharges, sewage, municipal waste, soil and polluted storm water run-off from pavement.

The draft TMDL and related technical memorandums are located on IDEM's Web site. Requests for hard copies of these documents should be submitted in writing to Jennifer Hutchison, 100 N. Senate Ave., P.O. Box 6015 (Shadeland), Indianapolis, IN 46219 or e-mailed to jhutchis@dem.state.in.us.

Written comments will be accepted during the 30-day period beginning July 7. Comments must be received by, not postmarked by, close of business on August 7. They may be mailed or e-mailed to Jennifer Hutchison's attention at the above addresses, faxed to her at (317) 308-3219 or hand delivered to 2525 N. Shadeland Ave., Suite 100, Indianapolis.



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For Immediate Release
July 2, 2003

Contact: Bonnie Nash
(317) 232-8596
bnash@dem.state.in.us

IDEM, Indianapolis invite public to discuss Fall Creek and Pleasant Run TMDL implementation plan

WHO: Indiana Department of Environmental Management (IDEM)

WHAT: Public meeting regarding Total Maximum Daily Load (TMDL)
for Fall Creek and Pleasant Run

WHEN: July 8, 2003, 6:30 to 9 p.m.

WHERE: Irvington United Methodist Church, 30 North Audubon Road, Indianapolis

WEB SITE: <http://www.in.gov/idem/water/assessbr/tmdl/tmdldocs.html>

Indianapolis residents are encouraged to attend a final public meeting next week to discuss the plan that has been developed by the city of Indianapolis and environmental consultants Camp Dresser and McKee (CDM) to help Fall Creek and Pleasant Run meet E. coli water quality criteria. This meeting marks the beginning of a 30-day public comment period.

Officials from the city and CDM will discuss their load allocations for the daily amounts of pollutants that should be allowed to enter Fall Creek and Pleasant Run. IDEM's TMDL water quality experts will present information on how the agency will implement the plan to monitor and control pollution flowing into the creeks.

TMDL is a plan required by the federal Clean Water Act to determine the amount of pollutants that can enter the nation's waterways and still meet water quality standards. IDEM is responsible for determining Indiana's TMDLs for its impaired water bodies. Streams, rivers, lakes and creeks that do not meet water quality standards for designated uses are considered impaired. Designated uses include recreation, the support of plant and animal life or fish consumption. Waterbodies become impaired when pollutants are repeatedly introduced to the water over a long period of time. Pollutants can include industrial discharges, sewage, municipal waste, soil and polluted storm water run-off from pavement.

The draft TMDL and related technical memorandums are located on IDEM's Web site. Requests for hard copies of these documents should be submitted in writing to Jennifer Hutchison, 100 N. Senate Ave., P.O. Box 6015 (Shadeland), Indianapolis, IN 46219 or e-mailed to jhutchis@dem.state.in.us.

Written comments will be accepted during the 30-day period beginning July 8. Comments must be received by, not postmarked by, close of business on August 8. They may be mailed or e-mailed to Jennifer Hutchison's attention at the above addresses, faxed to her at (317) 308-3219 or hand delivered to 2525 N. Shadeland Ave., Suite 100, Indianapolis.



News

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For Immediate Release
July 2, 2003

Contact: Keri S. McGrath
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(317) 232-8512

IDEM responds to manure spill in Wildcat Creek

The Indiana Department of Environmental Management (IDEM) is responding to a manure spill in Wildcat Creek near Burlington in Carroll County.

The spill was discovered by two fishermen who noticed a strong odor on the creek Tuesday night. The fishermen contacted the Department of Natural Resources, who in turn contacted IDEM's Office of Emergency Response.

The spill, which affected an estimated mile of creek near CR 500 E., was traced to Ritchey Hog Farms, located on CR 500 S., by DNR and an IDEM on-scene coordinator. A preliminary inspection conducted Tuesday night indicated the manure was flowing from a cleanout pipe that led from the facility's barn. The pipe's cap, which prevents manure from entering the environment, was missing, allowing the manure to run downhill into a ditch that empties into Wildcat Creek. The exact amount of manure released from the facility is unknown.

A temporary plug has been placed on the pipe, and a trench has been dug along the pipe's outfall to contain residual manure. IDEM continues to monitor the creek's dissolved oxygen levels, which were low early this morning.

At this time, there are no signs of a fish kill. Residents are advised to avoid contact with the water in the immediate area because of possible exposure to e-coli.

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News

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For Immediate Release
July 2, 2003

Contact: Keri S. McGrath
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(317) 232-8512

IDEM to hold public hearing about permit for Steel Dynamics Inc.

WHO: Indiana Department of Environmental Management (IDEM)
WHAT: Public hearing concerning the draft air permit allowing SDI to modify the former Qualitech facility and restart operations
WHEN: 7 p.m., Monday, July 7, 2003
WHERE: Pittsboro Park Scout Building
52 East Main St., Pittsboro

IDEM will hold a public hearing concerning the proposed significant source modification permits for Steel Dynamics Inc. The permit, which allows SDI to modify the existing facility, is a required part of SDI's plan to reopen the existing mill located at 800 CR 225 East, Pittsboro. Closed in 2001, the facility was formerly owned by Qualitech. If issued, the permit will ensure compliance with air pollution control requirements including record keeping and reporting requirements.

The hearing will provide citizens with the opportunity to submit written comments, make verbal comments, ask questions, and discuss any air pollution concerns associated with the mill with IDEM staff. All comments will be recorded and considered by IDEM in making the decision to issue or deny the permit.

In addition to the hearing, public comments will be taken until July 26.

Written comments can be sent to: Iryn Calilung
Indiana Department of Environmental Management
Office of Air Quality
Permits Branch
P.O. Box 6015
Indianapolis, IN 46206

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News

www.IN.gov/idem

For Immediate Release
July 3, 2003

Contact: Keri S. McGrath
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(317) 232-8512

Don't sweat the small stuff this summer: IDEM offers easy ways to beat the heat without beating up the environment

Like ants to a picnic basket, Hoosiers stream outdoors in the summertime, boating, swimming, fishing, playing sports and fussing in the garden. It's the season school children daydream about and outdoor enthusiasts pine for during those long, winter months.

But for the estimated 11.3 percent of Hoosier adults diagnosed with asthma, summertime can mean a three-month-long struggle to breathe because of increased air pollution. During summer months, seemingly innocuous activities such as running errands on a hot day, working in the yard and turning on the air conditioning can tax the environment and human health.

To help Hoosiers enjoy a healthier, more environmentally friendly summer, the Indiana Department of Environmental Management (IDEM) offers easy tips:

- Be kind to your lungs! Carpool, mow your lawn in the cool of the evening - do what you can to reduce your use of combustion engines and reduce the emissions that contribute to ozone and vex the lungs of those with respiratory ailments.
- Turn off the lights! The process of making electricity causes toxins to be released into the air. Reducing energy use eases the burden on power plants. And, it will cut your utility bill.
- Stop flooding your yard! The average Hoosier uses 50 gallons of water a day by leaving the water running when they brush their teeth, over watering their lawn and letting the sprinkler run after the kids have lost interest.
- Don't bag it! About 50 percent of Hoosiers' summertime waste come from their yards and could easily be mulched instead of tossed.
- Take a bite out of the West Nile virus! Healthy wetlands provide habitat for critters that eat mosquitoes and mosquito eggs. Restoring, building or protecting wetlands is a key move in the fight against all mosquitoes. Should you become lunch for a wetland mosquito, don't worry, they aren't the same breed that carries West Nile. Carriers for West Nile typically live in old tires, abandoned swimming pools and other areas that collect standing water. Conduct a search in your neighborhood for old tires and places where rainwater could accumulate. Getting rid of these mosquito breeding grounds will reduce the risk of coming in contact with the virus.



www.IN.gov/idem

For Immediate Release
July 7, 2003

Contact: Bonnie Nash
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IDEM invites residents to public meeting regarding E. coli beach monitoring and notification systems

WHO: Indiana Department of Environmental Management (IDEM), Illinois-Indiana Sea Grant, Save the Dunes Conservation Fund, Indiana University Northwest

WHAT: Public meeting regarding beach environmental monitoring and notification systems

WHEN: July 9, 2003, 6 to 8 p.m.

WHERE: Robert A. Pastrick Marina, 3301 Aldis Street, East Chicago, IN 46312

WEB SITE: <http://swann2.ansc.purdue.edu/nwibeach/default.asp>

Northwest Indiana residents are encouraged to attend a public meeting this week to learn more and share their ideas about proposed beach environmental monitoring and notification systems.

In October 2000, Congress amended the Clean Water Act to include the Beaches Environmental Assessment and Coastal Health (BEACH) Act. The BEACH Act sets criteria for monitoring and assessing coastal recreation waters adjacent to beaches to determine water quality standards for pathogen indicators such as E. coli. It also establishes guidelines for promptly notifying the public of any exceedance or likelihood of exceedance of those standards.

IDEM applied for and received BEACH Act funds to work with the existing Interagency Task Force for E. coli. The task force includes beach managers, health departments, cities, sanitary districts, regional, state and federal governments, universities and not-for-profit organizations.

The task force has been working to coordinate Lake Michigan beach monitoring, forecast beach closures, identify projects to reduce E. coli, and to improve public notification. The groups have proposed criteria to monitor high, medium and low priority beaches and have proposed beach advisory and closure signs as part of a revised public notification system.

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Note: Public meetings were held for Chesterton and Michigan City.



News

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For Immediate Release
July 7, 2003

Contact: Bonnie Nash
(317) 232-8596
bnash@dem.state.in.us

State officials warn Hoosiers of flood water health risks

The Indiana Department of Environmental Management (IDEM) warns Hoosiers to stay out of flood waters in lakes, rivers, streams and streets affected by this weekend's storms. According to the Indiana State Department of Health, exposure to the water could make you sick.

"Heavy rains over the holiday weekend caused many problems," explained Lori F. Kaplan, IDEM commissioner. "Any time there is a rain event this significant, sewer systems and wastewater treatment plants in the most affected communities cannot handle the sudden, additional flow, and untreated sanitary waste ends up in our waterways. These water overflows pose health risks when E. coli and other associated human pathogens spike to potentially dangerous levels."

Health officials say that exposure to the contaminated floodwaters can lead to illness from infectious diseases. Private wells that have been covered by floodwaters can also pose a special problem. Such wells should be evaluated before using the water for drinking, cooking and washing dishes.

"People should avoid contact with the floodwater," said State Epidemiologist Robert Teclaw. "If you are exposed to the contaminated water, be sure to wash your hands thoroughly with warm, soapy water, especially before eating."

Teclaw also warns that there might be hidden physical hazards in the floodwater. "Wounds sustained in the floodwaters could lead to tetanus," he said.

Several locations are fighting floodwaters. In Carroll County, Burlington's wastewater treatment plant is flooded, and Delphi's has lost power. In Cass County, Logansport officials were expecting their plant to flood, and in Wells County, Bluffton officials reported they were about to lose their plant to the Wabash River flooding. In Miami County, the Converse plant is down. Milan in Ripley County lost its plant over the weekend to a power outage. Reports yesterday indicated the streets around the McCordsville plant in Hancock County were flooded and the plant had processed seven times its normal load. Several communities have reported manholes popping up from overflows.

Floodwaters are also impacting industry and agricultural operations. Wastewater process lagoons and hog lagoons have been flooded. Waste from those storage areas is being carried downstream untreated in areas where rainfall was heavy.

IDEM staff members are available to work with treatment plant officials who experience problems caused by the rains.

Contact your local health department for tips on how to stay safe during post-flood cleanup.

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INDIANA RECYCLING COALITION

P.O. Box 7108, Bloomington, IN 47407-7108
Telephone: 812/988-9946, Toll Free: 877/283-9550, Fax: 812/988-9947
URL: <http://www.indianarecycling.org>, email: info@indianarecycling.org
A Not-For-Profit Corporation



For Immediate Release:

July 11, 2003

For further information, contact:

Dan Hottle at IDEM
(317) 232-8512
dhottle@dem.state.in.us
Michelle Cohen at IRC
(812) 988-9946
info@indianarecycling.org

State recycling leaders urge Hoosier business, industry and government to help tackle mounting e-scrap waste issue

- WHO:** The Indiana Department of Environmental Management (IDEM) and the Indiana Recycling Coalition (IRC)
- WHAT:** Public stakeholder meeting for the E-Scrap Action Program, which addresses the recycling, reuse, refurbishing and proper disposal of electronics waste in Indiana.
- WHEN:** 9:30 a.m. – 12:30 p.m. (CST), Tuesday, July 15.
- WHERE:** Intech Park Conference Center, Intech One, 6325 Digital Way, Indianapolis, IN (Near 71st Street and I-465)

Electronics waste management is at the forefront of environmental issues throughout the country. Based on today's disposal habits, only about 11 percent of Indiana's six million computers and other electronics equipment will be recycled. The rest will be improperly landfilled or stockpiled in basements, attics or storage areas. By 2007, an estimated 12 million computers will become obsolete in Indiana.

Funded with a \$40,000 grant from IDEM and the support of more than 40 local businesses, organizations and agencies, the E-Scrap program is targeting this serious problem since discarded electronic components often contain significant amounts of lead, mercury or other materials potentially toxic or hazardous to humans and the environment. Major sponsors include The Virtual Scavengers Project, Goldsmith Group Inc., Chesapeake Electronic Recycling and Asset Forwarding Corporation.

This will be the second in a series of public meetings intended to attract and engage additional key stakeholders in addressing the challenge of managing obsolete electronics scrap throughout Indiana. Participating stakeholders will work to identify existing programs and create practical solutions for collection, reuse, recycling and proper disposal of computers, televisions and other e-scrap. This planning is critical for business, industry and local government to formulate responsible, cost-effective ways to manage this rapidly growing waste stream.

For more information about the E-Scrap program and how your organization can get involved, contact the Indiana Recycling Coalition at (877) 283-9550, or visit www.indianarecycling.org



News

www.IN.gov/idem

For Immediate Release:
July 15, 2003

Contact: Amy Hartsock
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O'Bannon, IDEM ask EPA to credit Indiana's work to reach new federal air quality marks; pledge to work harder in non-attaining areas

Governor Frank O'Bannon today asked the U.S. Environmental Protection Agency (EPA) to declare most of Indiana's counties in attainment status under the federal agency's new eight-hour ozone standard.

He also asked to defer his recommendation on the Evansville area's status until the end of the summer season and urged the EPA to factor in the effect of new air quality controls that are expected to enable almost all of Indiana's counties to soon reach the stricter federal standard.

The federal standard targets ozone, once commonly known as smog, which can cause severe health problems for people with respiratory ailments, the elderly, and children. Counties that do not meet the new standards will be declared as in non-attainment status and will be required to take steps to reach the standards.

The EPA has not yet finalized the steps that counties in non-attainment status will have to take to comply, and may not decide on them until end of this year. The federal agency has indicated, however, that areas in non-attainment status could be required to comply with tighter permit requirements for businesses, tougher mandatory rules governing ozone-forming emissions and possibly automobile emission testing.

"For months, our air quality experts have been sifting through data and encouraging the EPA to take a flexible approach in areas where we have made great strides and are very close to attainment status," O'Bannon said, basing his remarks on recommendations from the Indiana Department of Environmental Management (IDEM.) "I also have encouraged the federal agency to give Indiana credit where we deserve it and have pledged to continue to work hard in those areas where we clearly do not meet the standard."

IDEM based its recommendations on air quality measurements across the state, expectations about the effect that other new air quality rules will have on the state, and feedback from individuals and groups. IDEM air quality experts in March launched a Web site and traveled the state to educate the public about the new federal standards and to gather information about how each region is working to improve air quality.

Under the current, federal one-hour ozone standards, Indiana has two counties in non-attainment status. Under the new eight-hour standards at this time, IDEM recommended 17 counties in non-attainment status, according to the federal criteria. Those counties are within the Indianapolis, Northwest Indiana, South Bend, Elkhart, Louisville and Fort Wayne metropolitan areas.

"As a manufacturing state and one with a large contingent of coal-burning utility plants, Indiana is challenged to comply with clean air standards without hindering economic development. But we are steadfastly committed to having a healthy and clean environment for our citizens," O'Bannon said.

- more -

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“We will continue to work hard with industry to keep them – and their Hoosier employees – working while also providing healthy air for all Hoosiers,” the governor added.

The EPA’s criteria for attainment and non-attainment status are based largely on the three most recent years’ worth of air quality data for each county that has an air monitor in place. It also requires counties in attainment status that border counties in non-attainment status to also be considered in non-attainment status. However, Indiana’s recommendations do not generally make those non-attainment designations for adjacent counties in areas where the air standards will soon be met through controls already in place.

“We believe that states should be given the ability to craft clean air plans that make sense. We have done that in Indiana,” said IDEM Commissioner Lori F. Kaplan. “We are committed to taking whatever steps are needed at the local, statewide and multi-state level to meet the clean air health standards and hope the EPA will accept our recommendations.”

The 17 counties recommended as “non-attainment” have recorded violations of the ozone health standard, have significant sources of ozone-forming pollutants and are part of a major metropolitan area – all criteria established by the EPA to determine which areas meet the new standard.

Counties in the Evansville region (Posey, Vanderburgh, Warrick, Gibson); Terre Haute region (Vigo); Muncie region (Delaware); Lafayette region (Carroll); and Fort Wayne region (Huntington) have ozone levels that are just above, just at or just below the ozone health standard. These counties will be on Indiana’s watch list for this summer. Depending on the number of days of unhealthy ozone levels this summer, the areas may not record violations of the ozone health standard. Those that do not violate standards should be recommended for attainment status, Kaplan said.

“We are confident that most of Indiana will meet the federal standard once new controls on power plants become fully effective next year,” Kaplan said. “Because of the early federal deadline for state recommendations, we, like all other states, will revisit our recommendations at the end of this summer season to determine if changes need to be made.”

Under the Clean Air Act, the EPA has until April 2004 to designate all areas across the country as attaining or failing to attain the new ozone standards. States are required to make their status recommendations to the EPA today.

The new federal standard, scheduled for implementation in 2004, replaces the current standard that had used one-hour measurements. The new standards were promulgated in 1997 and upheld in court last year.

Ozone is an odorless, colorless air pollutant. It forms when pollution from automobiles, small engines, industry and other sources “cook” under a hot sun. Approximately 60 percent of ozone formation is caused by pollutants from individual activities (primarily vehicles and small engines), with the remaining 40 percent by industry. Peak ozone levels typically occur during hot, dry, stagnant summertime conditions.

To read the letters to the EPA from O’Bannon and Kaplan, as well as supporting information submitted to the EPA, visit: <http://www.in.gov/idem/air/8hourstandard/index.html>



News

www.IN.gov/idem

For Immediate Release
July 17, 2003

Contact:
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Kernan, Kaplan and Leucke to announce new South Bend educational/environmental development tomorrow

WHO: Lieutenant Governor Joe Kernan, Indiana Department of Environmental Management Commissioner Lori F. Kaplan, Mayor Stephen Luecke

WHAT: Project announcement

WHEN: 10 a.m., Friday, July 18.

WHERE: Fredrickson Park, SR 23, South Bend, IN.

Lieutenant Governor Joe Kernan will join federal, state and local officials tomorrow at the future site of the Fredrickson Park Environment Education Center to announce how the current site will be reborn as a result of a federal-state-local partnership.

In attendance at the event will be officials from the U.S. Environmental Protection Agency, IDEM's brownfields program, the Indiana Development Finance Authority, City of South Bend and other community officials involved in the project.

Directions: The news conference will be held in an open area along the 1400 block of Indiana 23, across the street from Notre Dame's campus and Parisi's Restaurant.



www.IN.gov/idem

For Immediate Release
July 18, 2003

Contact: Cheryl Reed
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IDEM, IDFA and EPA help give South Bend landfill a new lease on life

A South Bend eyesore is being transformed from an unpermitted landfill to an environmental and educational center thanks to a loan to the city from the Indiana Department of Environmental Management (IDEM), the Indiana Development Finance Authority (IDFA) and the United States Environmental Protection Agency (EPA).

Lieutenant Gov. Joe Kernan, IDEM Commissioner Lori F. Kaplan and South Bend Mayor Stephen Luecke today announced a \$790,000 loan for the development of the Fredrickson Park Environment Education Center at the proposed site off Indiana 23 on the city's northeast side.

"This is an exciting project that demonstrates the good we can do when we work together at the federal, state and local levels," Kernan said. "This money will help this part of South Bend grow, and it will provide a resource to help our children learn at the same time. That's a combination I am proud to support."

IDEM obtained funding for the loan through the EPA's Brownfields Cleanup Revolving Loan Fund Program, which provides money to states to distribute to communities needing cleanup assistance. IDEM is the first state agency in EPA's Region Five states to put money from this program to use.

"In addition to being one of the few states in the nation to tap into this program, we also are working with EPA to increase significantly the initial loan amount, which will enable the city to cover nearly all of the cleanup costs," Kaplan said. "We took the initiative to push for more money, and EPA agreed, because of the benefits this project offers, both now and in the future."

Mayor Luecke said the project has great aesthetic, as well as long-term, educational promise. "We literally are making treasure from trash," Luecke said. "We'll enrich the environmental stewardship programs of the City of South Bend for generations to come."

The vision for the Fredrickson Park Environment Education Center includes an outdoor area complete with wetlands, waterways and walkways, as well as an amphitheater. Plans for the center itself include a hands-on learning area for schoolchildren, an environmental reference library and a room for college students to mentor younger students as they learn about environmental stewardship.

As part of the project, the city will:

- Grade and contour the site to maximize area drainage and to prepare it for reuse;
- Install environmental controls to control any gas that is generated by the buried waste;
- Cap the waste with impervious material to reduce water infiltration and effectively reduce the likelihood of leaking;
- Establish a vegetative cover over the site to minimize erosion and reduce the influx of water upon the cap - through plant root transpiration; and
- Monitor groundwater for impacts.

Cleanup is expected to cost \$1.2 million. Once it is completed, the city will begin to raise funds necessary to complete design and construction of the center, Luecke said.

The former 16-acre landfill was privately owned and operated from the mid-1940s until closing in the 1960s. The city bought the land with funding from the Arthur Fredrickson estate. Mr. Fredrickson was not associated with the site, but left money to the city to establish a park in his name.

Luecke said South Bend did not own or operate the site when it was a landfill. When the property was purchased years ago, city officials at the time did not fully understand all of the environmental issues the property presented. City officials have been searching for resources and a way to build a park on the former landfill site for years.

Because of its environmental issues, the property qualifies as a federal brownfields site, which is classified as an abandoned or unused property upon which expansion or redevelopment is complicated due to actual or perceived environmental contamination. The process to obtain state and/or federal brownfields assistance requires communities to work with neighborhood groups surrounding the affected site to determine an approved reuse. The process also includes assistance from the IDFA, which acts as the lending institution and loan depository.

Kaplan commended South Bend officials for their visionary project that will introduce children to environmental issues and help them become tomorrow's stewards of the land. She also credited city officials for doing the hard work necessary to qualify for the loan.

The city will be expected to begin repaying the loan to IDEM in 2005 at a 2.5 percent interest rate. The repayment will be used for additional brownfields redevelopment work in Indiana. Up to 20 percent of the loan will be forgiven if the city meets all requirements of the loan agreement.

In addition to the federal brownfields Cleanup Revolving Loan Fund Program, IDEM works with IDFA, the state Department of Commerce and EPA to offer brownfields redevelopment assistance to communities throughout Indiana. To date, the agencies has provided nearly \$3.5 million in brownfields development grants to 86 Indiana communities, and nearly \$7.5 million in loans to 17 communities. For more brownfields information, visit: <http://www.in.gov/idem/land/brownfields/>



www.IN.gov/idem

For Immediate Release
July 18, 2003

Contact: Bonnie Nash
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Boat, swim, fish, enjoy all of Indiana's lakes, but don't leave pollution in your wake!

The Indiana Department of Environmental Management (IDEM) is asking Hoosiers to celebrate Lakes Awareness Month by helping protect some of the state's most precious resources - its more than 600 public lakes and reservoirs.

July's designation comes during the height of the recreational season and from the United States Environmental Protection Agency (EPA) and the North American Lakes Management Society (NALMS).

"Our lakes and reservoirs are some of our best playgrounds and the source for countless memories of summertime fun," said IDEM Commissioner Lori F. Kaplan. "But they're also essential natural resources, providing approximately 27 percent of Hoosiers with drinking water. We must keep these water bodies clean and healthy, and there's no better time to make note of this responsibility than during Lakes Awareness Month. An additional six percent of Hoosiers receive their drinking water from Lake Michigan, another key resource that deserves our attention during this month-long event."

- Many of the steps necessary to improve lake water quality are simple:
- Organizing lakeshore cleanups to collect litter that has washed ashore.
- Recycling used oil and keeping soaps, paints, and other chemicals away from shorelines, waterways, and storm drains.
- Cleaning off recreational equipment after use to prevent the spread of nuisance exotic plants and animals.
- Using pump-out stations for boat wastes, which can seriously harm water quality and can be dangerous for humans and wildlife.
- Stabilizing bare soil with mulch within a week and seeding as soon as possible.
- Planting trees and shrubs or letting natural vegetation grow around lakes, which provides a respite for wildlife and fish, discourages unwanted flocks of domesticated waterfowl, and protects shorelines from erosion.
- Using phosphate-free or no fertilizer near lakeshores (unless seeding), since phosphorous increases nuisance algae growth.
- Understanding and following the state boating laws, many of which were designed to protect the lake environment; and
- Pumping septic systems on a regular basis (every 2-3 years for permanent residences, 4-5 years for seasonal dwellings).

Most importantly, Hoosiers are encouraged to become involved in local decisions which affect their lake(s). One way to do this is to become active in their local lake association. Or, if none exists, they can start one. Information on how to start lake associations can be found at www.epa.gov/adopt, or by contacting a board member of the Indiana state lake association at www.nalms.org/ilms/index.htm.

Another excellent way to get involved and learn more about your favorite lake is to join the Indiana Volunteer Lake Monitoring Program, which is part of the Indiana Clean Lakes Program (ICLP). The ICLP is a cooperative effort between IDEM and Indiana University's School of Public and Environmental Affairs. Its purpose is to track the status and trends of nutrient enrichment and pollution in Indiana's public lakes and reservoirs.

Or go to your local library and ask for a video entitled "Indiana Volunteer Water Monitoring" to learn more about how to measure your favorite lake's water quality. To learn more about either of these programs, read the fact sheet at www.in.gov/idem/water/assessbr/biostud/009lakewaterqualassess.pdf.

"We at IDEM are committed to protecting Indiana's water quality and providing healthy and beautiful sources of recreation and drinking water," said Carol Newhouse, IDEM's Lake Coordinator. "The more people we have helping, the better job we'll do."

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Note to editors: The following is provided as a potential sidebar to the Lakes Awareness Month story.

Who knows about . . . ?

Have a question? These organizations or agencies can answer questions about the following topics:

Septic tanks

Swimming beaches

Local health departments

(A list is available at http://www.IN.gov/isdh/links/local_dep/index.htm .)

Watershed assistance technical advisors

Soil and Water Conservation Districts

(A list is available at <http://www.IN.gov/dnr/soilcons/contact/swcds.html> .)

Dam safety and permits

Shoreline alteration permits

Indiana Department of Natural Resources

(DNR)/Division of Water

(317) 232-4160

<http://www.IN.gov/dnr>

Aquatic Chemical Application
Aquatic Plant Identification
Fisheries Information
DNR/Division of Fish and Wildlife
(317) 232-4080
<http://www.IN.gov/dnr>

Lake and River Enhancement (LARE)
Hoosier Riverwatch (volunteer stream monitoring)
Adopt A River (volunteer stream clean-up)
DNR/Soil Conservation
(317) 233-3870
<http://www.IN.gov/dnr>

Boating safety
Law Enforcement
DNR/Law Enforcement
(317) 232-4010
<http://www.IN.gov/dnr>

Volunteer lake monitoring
**Indiana University/
School of Public and
Environmental Affairs**
(812) 855-4556
<http://www.spea.indiana.edu/home>

Lake assessment program
Stream and biological surveys
Nonpoint source pollution
Wastewater inspectors
Watershed grants
Wetland permits
**Indiana Department of
Environmental Management (IDEM)
Office of Water Quality**
(317) 232-8670
<http://www.IN.gov/idem>

Fish Consumption Advisories
Indiana State Department of Health
(317) 233-7055
<http://www.IN.gov/isdh>



News

www.IN.gov/idem

For Immediate Release

July 21, 2003

Contact: Bonnie Nash

(317) 232-8596

bnash@dem.state.in.us

IDEM, ISDH and Labor Department workshops geared to help auto salvage facilities meet rules, protect workers

Three state agencies are teaming to help auto salvage facility owners deal with the sometimes confusing state laws and rules that govern their operations related to the environment, workers' health and safety, and radiologic issues.

Staff from the Indiana Department of Environmental Management (IDEM), Indiana State Department of Health (ISDH) and the Indiana Department of Labor/Bureau of Safety Education and Training (DOL/BuSET) have been hosting workshops around the state and will offer one in Indianapolis July 23 at the Indiana Government Center South, Conference Room A.

"We are pooling state resources to give this important sector of our economy a chance to have all their questions answered in one setting," said IDEM Commissioner Lori F. Kaplan. "Through our combined efforts, Indiana's auto salvage facilities will gain the tools needed to become environmental stewards."

"We're happy to take part in these workshops because it gives us an opportunity to reach out to an important part of our workforce," said Nancy Guyott, DOL Commissioner. "These workshops can help employers and employees prevent workplace accidents and keep Hoosiers on the job."

The laws and rules covered by the new manual and the workshops are not new. IDEM has conducted inspections of individual facilities but has not focused on this sector, which routinely deals with many potentially harmful fluids, materials and substances. If these items are not removed, stored and disposed of properly, they can pollute Indiana's air, land and water.

IDEM has mailed copies of the free auto salvage manual to all known auto salvage facilities in the state. Companies that have not received a manual should contact IDEM at its toll-free number (800) 451-6027 and ask for extension 30701, or they may go online at <http://www.in.gov/idem/autosalvage/manual> and download a copy.

Although inspections of these facilities occur throughout the year, a focused inspection effort will take place this summer and fall. Appropriate enforcement action will be taken against those facilities found to be in non-compliance.

-More-

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Topics to be covered in the workshop by IDEM include an overview of the new auto salvage compliance manual, guidelines to help facilities determine if they generate hazardous waste at their facility, how to properly manage hazardous waste, how to properly clean up contamination and rules governing storm water run-off.

ISDH representatives will discuss radiologic issues. "The ISDH Indoor and Radiological Health Program responds to approximately 50-60 radiation alarms at scrap metal recyclers, metal processors, steel mills and other solid waste facilities throughout Indiana annually," said Rex Bowser, radiation specialist. "These workshops offer us an opportunity to educate local scrap/auto salvage operators about the possible health and safety issues concerning the discovery of radioactive sources."

IDOL/BuSET staff will discuss worker safety requirements.

Participants must register for the session, which is free-of-charge and will run from 9 a.m. to 5 p.m. Space may be reserved by calling IDEM's toll-free number (800) 451-6027 and asking for extension 32370. Online registration is available at <http://www.in.gov/idem/autosalvage/workshops> .

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News

www.IN.gov/idem

For Immediate Release
July 25, 2003

Contact: Keri McGrath
(317) 232-8512
kmcgrath@dem.state.in.us

IDEM offers tips to flood victims now dealing with cleanup

The Indiana Department of Environmental Management (IDEM) urges Hoosiers who are mopping up from this month's 100- and 50-year-floods to use care and common sense when disposing of flood-damaged items and help prevent further harm to an already stressed environment.

"Rebuilding a home or neighborhood after a flood is a daunting task, and no one having to deal with this needs additional worries," said IDEM Commissioner Lori F. Kaplan. "But conversations with the state's solid waste management district officials, along with news coverage of the floods' aftermath, has made it clear that people are also struggling with how to deal with flood waste.

"And of most concern to IDEM," she added, "flood victims are wondering how to determine which items are hazardous and need special disposal."

IDEM inspectors have been working with solid waste management districts throughout the flooded portions of Indiana to help deal with cleanup efforts, and that cooperative work will continue until the cleanup is complete, Kaplan said. Hoosiers with specific flood cleanup questions should contact their local waste district. IDEM's Solid Waste Compliance division at (317) 308-3045 can also provide additional general assistance.

Tips to ensure post-flood cleanup is safe:

- Dispose of all debris at a landfill, transfer station or other state permitted facility. Dumping waste in areas not designed for it harms the environment. And, it's illegal.
- Don't dump household hazardous wastes like paint, oil, pesticides or cleaners down the drain or in a storm sewer. They'll harm waste water treatment plants and pollute waterways. Residents of Marion County may contact the Tox Drop at 327-4TOX. Residents outside Marion County may contact their local waste district to determine when and where to dispose of toxics.
- Make sure boxes or canisters containing household hazardous wastes are secure. Place wet containers in plastic bags prior to disposal.
- Don't burn debris, except for untreated paper and clean wood products. Burning other items can release harmful toxins into the air.
- Recycle glass, plastic and cardboard boxes. To find the closest recycling facility to you, go to www.in.gov/apps/idem/recycle/index.jsp
- You do not need to dispose of paint, solvents, cleaning agents, oils, fuel and other potentially hazardous wastes that have remained tightly sealed in proper containers during the flood.

-More-

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Still have questions? Check out IDEM's Web site for more information on proper disposal, recycling, and people who can help you get through the cleanup.

- Your local Solid Waste Management District: www.in.gov/idem/oppta/recycling/swmd/contact.pdf
- Electronics disposal: www.in.gov/idem/oppta/recycling/electronics/
- Household Hazardous Waste information: www.in.gov/idem/oppta/hhw/disposal.html
- Tire recycling, composting and permitted landfills: www.in.gov/idem/land/community/lists.html
- Open dumping: www.reportdumping.org/
- Open burning: www.in.gov/idem/air/compliance/openburnbroch.pdf

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www.IN.gov/idem

For Immediate Release
July 31, 2003

Contact: Bonnie Nash
(317) 232-8596
bnash@dem.state.in.us

Reporters invited to join IDEM commissioner to wade Wildcat Creek to assess water quality

WHO: Commissioner Lori F. Kaplan, Indiana Department of Environmental Management (IDEM)

WHAT: Watershed Assessment Demonstration

WHEN: 1 p.m., Monday, August 4, 2003

WHERE: South Fork of Wildcat Creek near Lafayette, Indiana

How do Indiana's rivers and streams measure up? Find out yourself by wading along with Commissioner Lori F. Kaplan and IDEM assessment staff in the South Fork of the Wildcat Creek.

Reporters and photographers will have the opportunity to get their feet wet by donning waders and wading waist-deep in the creek with Kaplan and others to collect water, fish and macroinvertebrate (insects, snails and crayfish) samples from the South Fork of Wildcat Creek near Lafayette. Fish samples will be collected using electrofishing, involving sophisticated equipment which delivers a low-level voltage into the water, temporarily stunning the fish so biologists can collect and study them.

IDEM scientists will examine the samples to determine pollutant levels in the creek and to keep track of fish and macroinvertebrate communities. Each of the 10 watersheds in Indiana is evaluated every five years. These watersheds include more than 35,673 miles of rivers and streams. This year IDEM is studying the Upper Wabash River watershed and will visit streams throughout the Upper Wabash, Salamonie, Mississinewa, Eel, Tippecanoe, Wildcat and Middle Wabash-Deer River watersheds.

Directions to South Fork: From I-65, take the Indiana 38 exit. Go east through the town of Dayton. Continue east and you'll cross a large bridge over the South Fork of the Wildcat. Just after you cross the bridge, turn left (north) which will lead into a DNR Outdoor Recreation parking area and access point.

If you wish to wade, please contact Bonnie Nash, IDEM Media Office, (317) 232-8596, to reserve waders.



www.IN.gov/idem

For Immediate Release

July 30, 2003

Contact: Keri McGrath

(317) 232-8512

kmcgrath@dem.state.in.us

DJ Case, IDEM efforts rewarded with advertising award

A public outreach effort designed to educate Hoosiers about confined feeding, wetlands and other waterway regulations has won prestigious awards for D.J. Case & Associates, which worked with the Indiana Department of Environmental Management (IDEM) on the projects.

Phil Seng, vice president of DJ Case & Associates, presented the awards Monday to IDEM Commissioner Lori F. Kaplan and the staff members who worked together to create two publications and a video.

"Our collaboration with D.J. Case & Associates has helped us reach thousands of Hoosiers with important messages," Kaplan said. "Everyone who worked on these projects earned these awards, and I'm delighted to see their efforts rewarded."

"IDEM is an ideal agency to work with; they're great professionals," Seng said. "We at D.J. Case & Associates are honored to receive these awards and wanted to share that honor with the people who helped make it happen."

For the video "Understanding Indiana's Confined Feeding Rule," D.J. Case & Associates won a bronze Telly in the 24th Annual Telly Awards. The Tellys are the most important award given by the film and video productions industry. They are regarded as a measure of excellence, as all entries are judged against an exacting standard, rather than in direct competition.

The video was produced to help Hoosier cattle, swine, sheep, and poultry producers comply with new IDEM regulations concerning confined feeding operations. About 750 copies were produced and distributed to the agricultural community. IDEM staff participated in the production and are featured, along with Hoosier farmers, in the video.

The brochures "Getting Your Feet Wet in Indiana's Wetlands" and "Waterways Permitting Handbook" received Communicator Awards of Distinction. The 2003 Print Media Communicator Awards recognize international excellence in written communication. Like the Tellys, entries are judged against a standard of excellence by a panel of industry professionals.

About 5,000 copies of the "Getting Your Feet Wet" pamphlet and about 10,000 of the "Waterways Permitting Handbook" were produced. Both were distributed to other state agencies, consultants, environmental groups, educators, and potential permit applicants. The publications are also available from IDEM's Office of Water Quality's Web site.

-More-

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Since 1986, D.J. Case & Associates has specialized in wildlife and natural resources communications. The group works with federal and state natural resources agencies and private conservation organizations around the country to help them communicate their messages about natural resources to their constituents and other publics.

IDEM is dedicated to conserving, protecting, enhancing, restoring and managing Indiana's environment. IDEM strives to fairly, but vigorously enforce laws and standards; promulgate regulations consistent with the law and public policy; and promote conservation, pollution prevention, and a healthy and sustainable ecosystem. The department is committed to making Indiana a cleaner, healthier place to live.

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www.IN.gov/idem

For Immediate Release:
August 2, 2003

Contact: Keri McGrath
(317) 232-8512

IDEM Investigates fish kill in Delaware County

The Indiana Department of Environmental Management (IDEM) is investigating a fish kill along Pike Creek in northern Delaware County.

A citizen notified IDEM of the apparent kill on Saturday at 11:01 a.m. IDEM on-scene coordinators and Indiana Department of Natural Resources (DNR) conservation officers observed an undetermined number of dead fish along Pike Creek beginning at 900 N. and continuing to Wheeling.

Initial testing conducted by IDEM shows elevated levels of ammonia present in parts of the creek. This data indicates the kill was caused by manure runoff from a nearby farm field as a result of Friday night's heavy rains.

Pike Creek is a tributary to the Mississinewa River. There is no evidence the river has been affected by the manure, but IDEM and DNR will continue to monitor the river over the next few days for signs of distressed fish.

Live fish have been observed in the creek, and the ammonia levels are decreasing.

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www.IN.gov/idem

For Immediate Release:
August 4, 2003

Contact: Dan Hottle
(317) 232-8557

IDEM helping restore fire-damaged Lake Dale-Carla water treatment plant

The Indiana Department of Environmental Management (IDEM) is helping the Lake Dale-Carla wastewater treatment plant clean up a wastewater spill and restore temporary operations after a fire destroyed the facility Sunday.

Lake Dale-Carla volunteer firefighters were dispatched at 9:30 p.m. and had the fire contained two hours later. However, the small Lake County facility was completely gutted. Pumping operations at the plant were immediately knocked out in the blaze, causing approximately 13,000 gallons of untreated waste to be discharged into an unnamed tributary feeding into nearby Cedar Creek.

The fire claimed the plant's main power control systems, pumps, treatment lab and chlorination tablet storage area. IDEM's on-scene emergency responders observed raw sewage in the creek but have so far observed no loss of aquatic life. Indiana Department of Natural Resources (DNR) investigators have also been dispatched to the area.

The plant treats waste from nearly 600 homes in the lake area, and has an average flow of 18,000 gallons of water per day.

IDEM's main focus is to stop the discharge of more wastewater into the tributary by pumping up to 20,000 gallons out of the plant's receiving pond and other treatment stage areas. On-scene contractors from McCallister Environmental hired by the utility will be transporting the wastewater to a treatment facility in Lowell.

Utility personnel are constructing a temporary pipeline from heavy duty hose and large volume pumps to pump the sewage directly into a section of the sewer 3000 feet away from the damaged plant that is connected to the Lowell WWTP. Hauling of the sewage by truck can be discontinued once this is completed. Once the overflow is contained, any remaining sewage will be removed from the tributary with vacuum pumps.

Repairs to the plant's electrical system are estimated to take at least four weeks. In the meantime, operators are also acquiring chlorination and de-chlorination tablets to assemble a temporary treatment apparatus.

The cause of the fire is under investigation.



www.IN.gov/idem

For Immediate Release:
August 8, 2003

Contact: Dan Hottle
(317) 232-8557

IDEM, Ford Motor Company to give some extra bounce to Beech Grove Middle School athletic field today

Beech Grove Middle School athletes taking to the field will have a softer turf to land on this school year, thanks to a \$15,000 grant from the Indiana Department of Environmental Management (IDEM) with matching funds from the Ford Motor Company.

IDEM Commissioner Lori F. Kaplan, representatives from Ford, Beech Grove City School Corporation officials, and several state representatives will watch as the recycled waste tire “crumb rubber” is installed on the field at 1 p.m. today.

“Using crumb rubber to augment the surface of the Beech Grove Middle School playing field will serve two excellent purposes,” said IDEM Commissioner Lori F. Kaplan. “We will keep about 100,000 pounds of waste tires out of Hoosier landfills while the recycled rubber will make the ground softer for athletes, especially those involved in contact sports such as soccer and football. We couldn’t ask for a

Incorporating particles from scrap tires reduces soil compaction and improves the health of the grass. It also makes a more desirable playing surface, reducing water puddles by drawing moisture down into the soil.

IDEM’s Waste Tire Management Fund and Ford Motor Company have given these types of grants to five schools in Indiana. These schools include:

Ben Davis High School, Marion County : awarded \$30,000 for one football and one soccer field.

Beech Grove City Schools, Marion County: awarded \$15,000 for one athletic field.

Decatur Central High School, Marion County: awarded \$ 15,000 for one football field.

Lake Central School Corporation, Lake County: awarded \$15,000 for one football field.

Taylor University, Grant County: awarded \$15,000 for one football field.

For further information on IDEM’s Waste Tire Management Program, please contact C. Steven Poe at (317) 233-9341 or cspoe@dem.state.in.us.

Janet McCabe
Assistant Commissioner
IDEM-Office of Air Quality
(317) 232-8222
Jmccabe@dem.state.in.us



Overview of the Eight-Hour Ozone Standard

- 1977 - Areas designated nonattainment under the One-Hour Ozone Standard.
- 1990 - Amendments to the Clean Air Act
 - Marginal: Evansville, South Bend, Indianapolis
 - Moderate: Clark/Floyd Counties (Louisville area)
 - Severe: Lake/Porter (Chicago area)
- * 1994 - Vanderburgh, Marion, South Bend/Elkhart Counties redesignated to attainment - classified as 'maintenance' areas for one-hour standard
- July 17, 1997 - U.S. EPA finalizes new stricter national ambient air quality standards (NAAQS) for ground-level ozone.
 - EPA required to review air quality standards every five-years
 - New air quality standards challenged in federal court

Overview of the Eight-Hour Ozone Standard (Continued)

- February 27, 2001 – U.S. Supreme Court upholds 8-hour ozone standard after designations delayed due to legal challenges.
- October 2001 - Clark and Floyd Counties redesignated to attainment, classified as maintenance area for one-hour standard.
- November 14, 2002 - U.S. EPA issues memorandum stating that designations will be final by April 2004. States ultimately given until July 15, 2003, to submit recommendations to U.S. EPA.
- July 15, 2003 - Indiana submits preliminary recommendations based in part on 2000-2002 monitoring data.

Overview of the Eight-Hour Ozone Standard

Next Steps

- October 2003--IDEM will supplement its July 15, 2003 recommendations with data from summer 2003.
- December 2003--USEPA will notify states of its likely designations.
- 120 day consultation process to discuss any differences between the states' recommendations and USEPA's proposal
- April 15, 2004--USEPA will finalize designations



What Will Be Required In Nonattainment Areas?

- ☐ States will have until 2007 (three years from the date of designation) to submit State Implementation Plans (SIPs) to U.S. EPA.
- ☐ A SIP outlines the control strategies and technical information to demonstrate how and when the area will achieve attainment of the standard.
- ☐ Attainment dates/deadlines will depend on the implementation option that EPA moves forward with.
 - ☐ Areas designated under Subpart 1 of the CAA will have an attainment deadline of 2009,
 - ☐ Areas designated under Subpart 2 of the CAA will have deadlines of 2007 (for marginal classifications) or (2010 for moderate classifications).
- ☐ Stricter new source review and transportation conformity will likely apply to affected areas.

U.S. EPA's Criteria For Designation Process

Primary

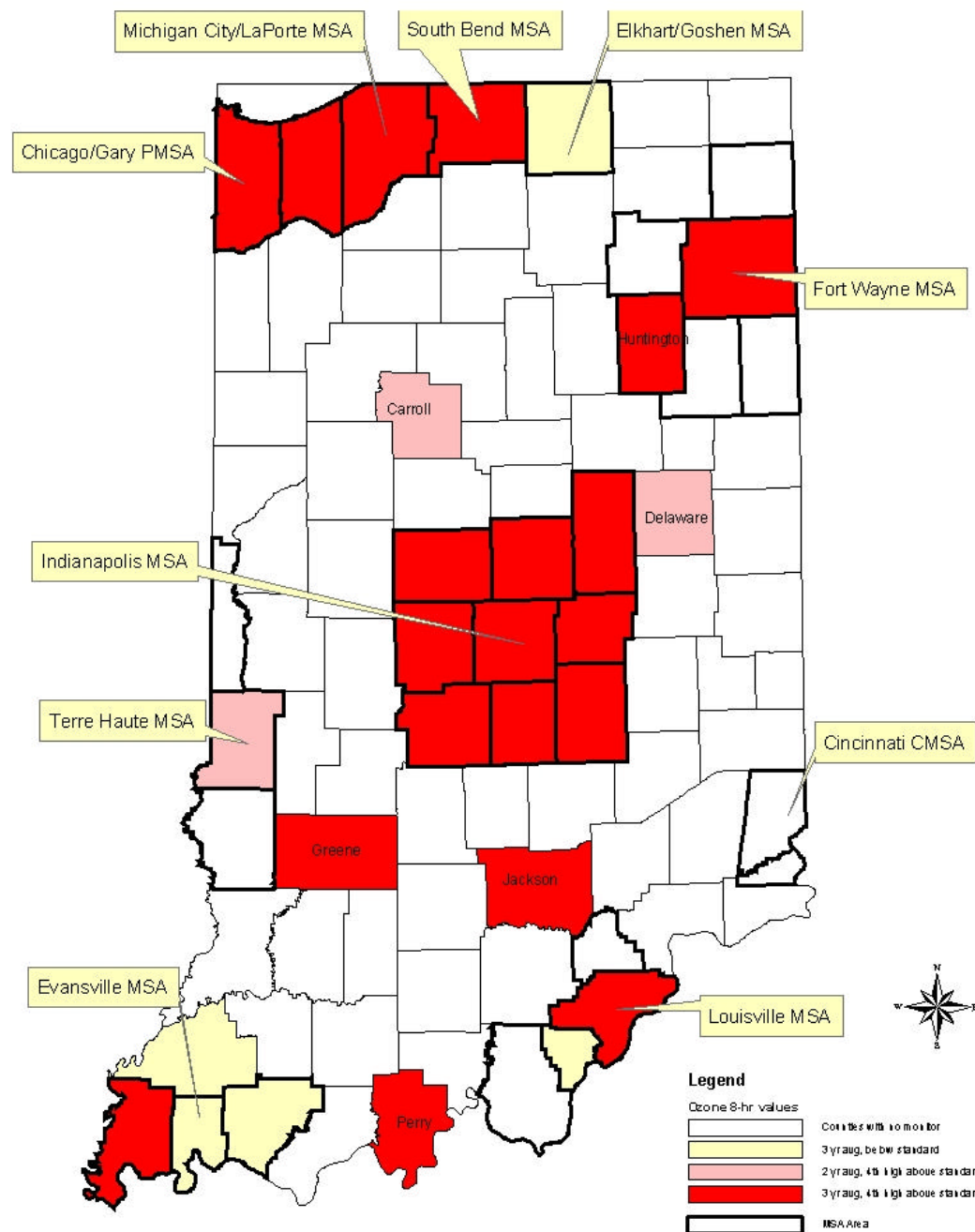
- Monitoring data
- MSA Boundaries

Secondary

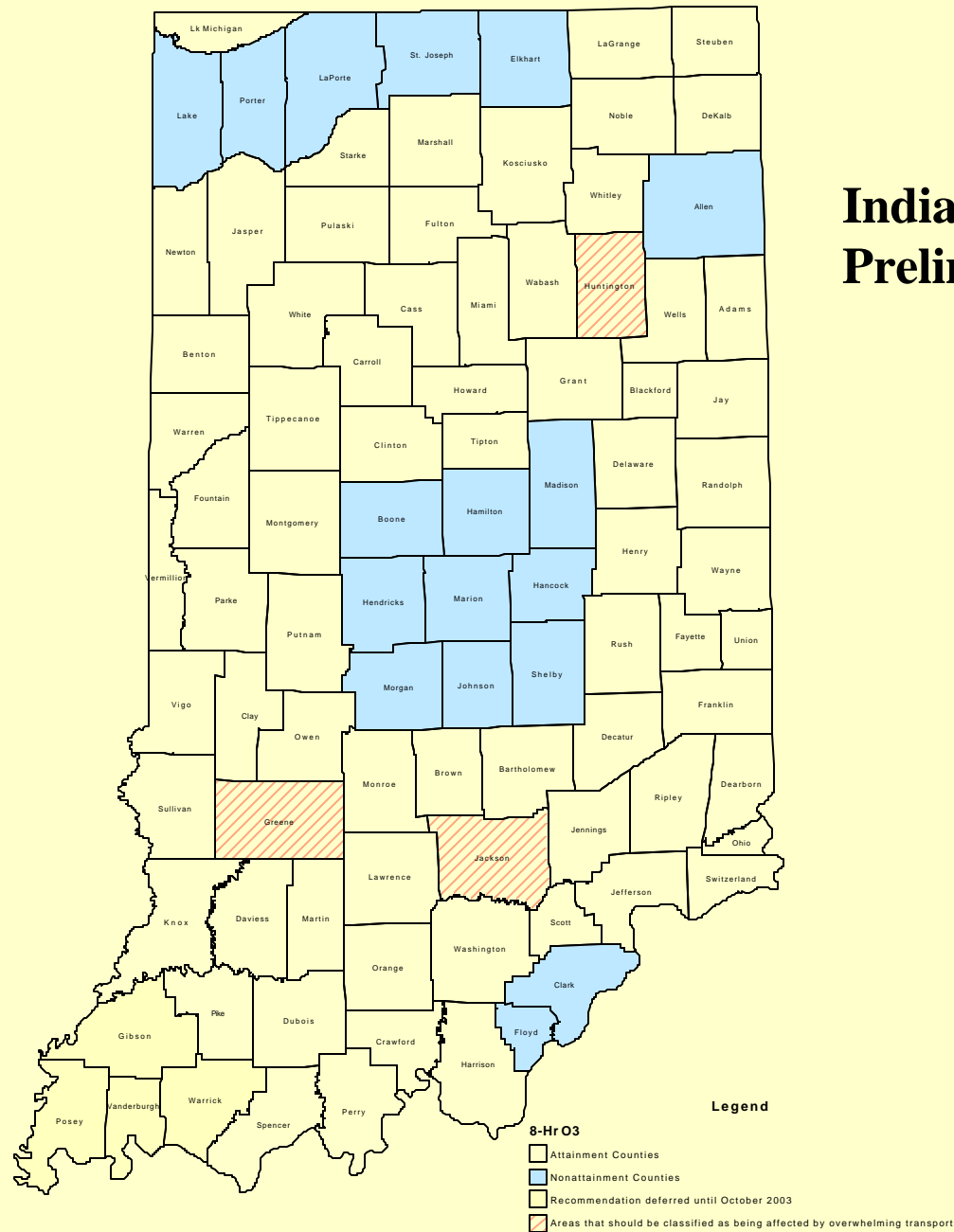
- Emissions trends
- Traffic and employment patterns
- Population growth
- Commercial, residential, and industrial growth
- Meteorology



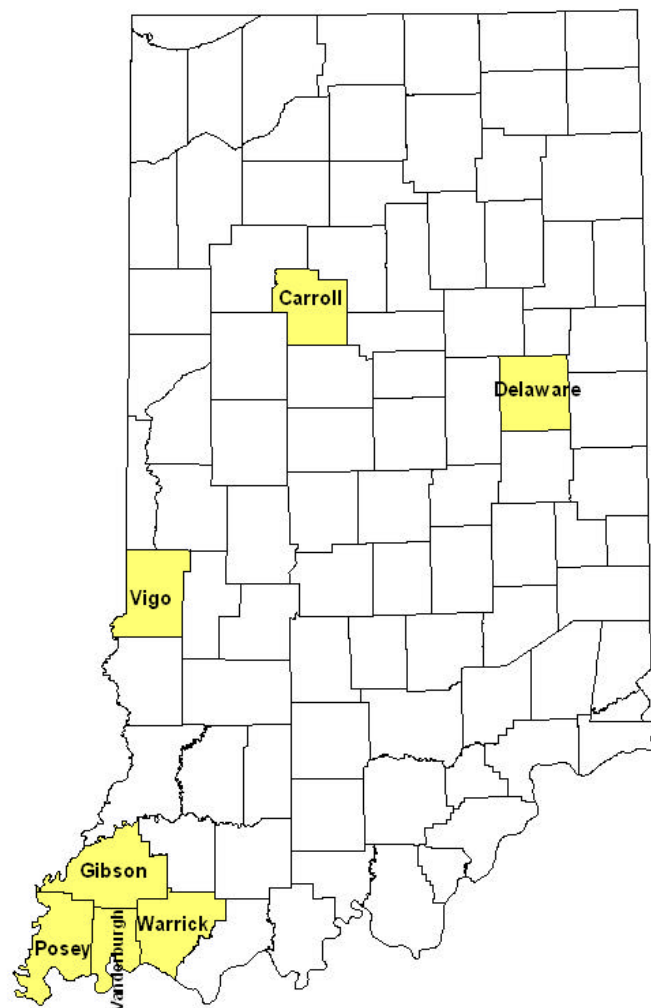
Indiana MSA Boundaries and Counties with O3 Monitors



Indiana's July 15, 2003 Preliminary Recommendations



Areas That Can Be Affected by 2003 Ozone Season



U.S. EPA's Proposed 8-Hour Implementation Rule

- The proposed rule was published in the *Federal Register* on June 2, 2003.
- The proposed rule lays out a fairly complex set of options for addressing nonattainment areas, but provides no regulatory text, leaving an array of uncertainties about how individual areas would be treated if designated nonattainment.
- The public comment period closed August 2, 2003.
- IDEM submitted formal comments concerning the proposed rule under letter dated July 31, 2003 (posted on our website).



U.S. EPA Proposed 8-Hour Implementation Rule (cont.)

- U.S. EPA issued draft regulatory text on August 2, 2003.
- The draft regulatory text is for only one of the options being proposed (Implementation Option 2).
- In this draft regulatory text, EPA is not yet addressing the options concerning new source review, i.e., the transitional program and the Clean Air Development Communities program.
- The public comment period closes September 5, 2003.

Proposed U.S. EPA Implementation Approaches

Implementation Option 1

	Region High 8-Hr. Value (thru 2002*)	Likely 8-Hr Option 1 (Subpart 2) Classification	Attainment Deadline
Louisville MSA	0.09	Marginal	April 15, 2007
Evansville MSA	0.087	Marginal	April 15, 2007
Fort Wayne MSA	0.088	Marginal	April 15, 2007
Indianapolis MSA	0.093	Moderate ¹	April 15, 2010 ¹
Gary PMSA (Lake and Porter)	0.092	Moderate ¹	April 15, 2010 ¹
LaPorte County	0.092	Moderate ¹	April 15, 2010 ¹
Terre Haute MSA	0.091 ²	Marginal	April 15, 2007
South Bend/Elkhart MSAs	0.09	Marginal	April 15, 2007
Gibson County ⁵	0.071	Attainment	N/A
Perry County	0.09 ³	Marginal	April 15, 2007
Jackson County	0.085	Marginal	April 15, 2007
Greene County	0.089	Marginal	April 15, 2007
Carroll County	0.087 ²	Marginal	April 15, 2007
Delaware County	0.089 ²	Marginal	April 15, 2007
Dearborn & Ohio Counties	0.1	Moderate ¹	April 15, 2010 ¹

*Note that value will be updated based on 2003 data.

¹ Area can qualify for marginal classification under Subpart 2 if attainment can be demonstrated for 2007 (3 years earlier than moderate attainment deadline)

² 2-year average 4th high value.

³ 1999-2001 Monitoring Data

⁴ Area could be designated nonattainment with no classification, or classified as an "Overwhelming Interstate Transport" area.

⁵ If designated part of Evansville Area, scenarios will be consistent with those referenced for Evansville.



Proposed U.S. EPA Implementation Approaches (Continued)

Implementation Option 2 (Preferred Option)

	Region High 1-Hour (2002*) Design Value (<or>.121ppm)	Likely 8-Hr Option 2 (Subparts 1 & 2) Classification	Attainment Deadline
Louisville MSA	0.112	No classification (Subpart 1)	No later than April 15, 2009
Evansville MSA	0.115	No classification (Subpart 1)	No later than April 15, 2009
Fort Wayne MSA	0.104	No classification (Subpart 1)	No later than April 15, 2009
Indianapolis MSA	0.119	No classification (Subpart 1)	No later than April 15, 2009
Gary PMSA (Lake and Porter)	0.122	Moderate (Subpart 2) ¹	April 15, 2010 ¹
LaPorte County	0.135	Moderate (Subpart 2) ¹	April 15, 2010 ¹
Terre Haute MSA	0.108	No classification (Subpart 1)	No later than April 15, 2009
South Bend/Elkhart MSAs	0.115	No classification (Subpart 1)	No later than April 15, 2009
Gibson County ⁵	0.088	Attainment	N/A
Perry County	0.110	Multiple Options (Subpart 1) ⁴	No later than April 15, 2009
Jackson County	0.099	Multiple Options (Subpart 1) ⁴	No later than April 15, 2009
Greene County	0.100	Multiple Options (Subpart 1) ⁴	No later than April 15, 2009
Carroll County	0.103	Multiple Options (Subpart 1) ⁴	No later than April 15, 2009
Delaware County	0.101	No Classification (Subpart 1)	No later than April 15, 2009
Dearborn & Ohio Counties	0.116	No Classification (Subpart 1) ⁶	No later than April 15, 2009

¹ Area can qualify for marginal classification under Subpart 2 if attainment can be demonstrated for 2007 (3 years earlier than moderate attainment deadline)

² 2-year average 4th high value.

³ 1999-2001 Monitoring Data

⁴ Area could be designated nonattainment with no classification, or classified as an "Overwhelming Interstate Transport" area.

⁵ If designated part of Evansville Area, scenarios will be consistent with those referenced for Evansville.

⁶ U.S. EPA could designate the Greater Cincinnati area as a Moderate nonattainment area under Subpart 2 if it deems its history with the one-hour standard and .100 eight-hour design values warrant it.

*Value will be updated with 2003 data.



Control Measures

Federal Measures in Place to be Implemented Prior to 2007

- NOx SIP Call (Indiana's NOx Reduction Rule)
- Tier II motor vehicle engine standards
- Low Sulfur Gasoline Standards
- Heavy Duty Diesel Engine Standards
- Ultra Low Sulfur Diesel Fuel Standards

NOTE: These measures are predicted to bring most areas into attainment.

Federal Measures Currently Under Consideration

- Multipollutant legislation (combination of national reduction strategies)
- Proposed Non-road Diesel Engine and Low Sulfur Fuel Rule



Examples of Potential Local Control Measures

- Reformulated Gasoline
- Further controls on NO_x from power plants and other combustion sources
- Vehicle emissions testing/maintenance (traditional, remote sensing, OBD, or hybrid-based program options)
- Transportation Controls (I.e. single-occupant vehicle reductions strategies such as mass transit enhancements, park & ride, etc.)
- More stringent requirements for existing industries

Next Steps

- Prepare comments on U.S. EPA's draft regulatory text concerning the Implementation Rule, due September 5, 2003.
- IDEM intends to supplement its July 15, 2003 recommendations in late October to account for 2003 ozone season data and the potential implications of implementation guidance.
- Fall 2003 - IDEM begins technical work needed to do early planning for areas that may require additional measures to attain the standard.
- U.S. EPA's final Implementation Rule is to be complete by December 2003
- U.S. EPA to make final designations by April 2004
- April 2004 - IDEM will move forward with SIP planning for Indiana's affected areas.



Contact Information

Website:

<http://www.in.gov/idem/air/8hourstandard/index.html>

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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

100 North Senate Avenue
P.O. Box 6015
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July 15, 2003

Mr. Thomas V. Skinner
Regional Administrator
U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

RE: Recommendations Concerning Air Quality
Designations for the 8-Hour National Ambient
Air Quality Standards

Dear Mr. Skinner:

This letter is in response to the United States Environmental Protection Agency's (EPA) November 14, 2002, guidance memorandum concerning air quality designations for the 8-Hour National Ambient Air Quality Standard (NAAQS) for ozone. That guidance indicates EPA's intention to propose designations in the fall of 2003, and finalize them by April 15, 2004, and requests that states submit recommendations by July 15, 2003.

We all share the goal of air that meets national health standards for our citizens. In Indiana, thousands of citizens suffer from asthma and other respiratory ailments. Unhealthy ozone levels impair their enjoyment of our environment and can result in serious health impacts. This is unacceptable. We have made substantial progress towards our goal of healthy air since passage of the Clean Air Act over 30 years ago.

Designation of areas as attainment and nonattainment under the eight-hour ozone standard, adopted by EPA in 1997, formally begins the process of specific planning and implementation of clean air measures in areas that may not meet the new ozone health standard. Indiana is committed to completing the required planning process and to putting in place the necessary measures to provide healthy air for all of our citizens.

Indiana appreciates the opportunity to provide input and recommendations to EPA. We intend to be fully engaged in this important issue and submit our recommendations through this letter and attachments.

This letter includes several attachments and figures:

- Attachment I is a list of Indiana counties and Indiana's recommendation at this time.
- Attachment II includes analysis and discussion of each area within Indiana, using the criteria in USEPA's guidance documents.
- Attachment III contains additional technical support documentation for that analysis.
- Figure 1 illustrates potentially affected Indiana counties and metropolitan statistical area (MSA) boundaries
- Figure 2 graphically depicts the recommendations listed in Attachment I.
- Figure 3 graphically depicts the areas within Indiana that require review of 2003 ozone season data prior to making any final nonattainment area recommendation.

Indiana's recommendations are contingent upon two very important factors:

1. **Ozone Readings in the Summer of 2003**

We are aware that EPA intends to make final designations based on ozone data from 2001-2003. Our evaluation to date and the recommendations enclosed with this letter are, of necessity, based on 2000-2002 data. For many areas of Indiana, we believe that ozone levels this summer are particularly critical for making a final determination. See Figure 3.

We will provide updated analysis and recommendations to EPA as promptly as possible after the 2003 data are fully quality assured.

EPA should not make any preliminary or final determination with respect to these areas of Indiana until we make our supplemental recommendations subsequent to completion of the 2003 ozone season.

2. **EPA's Implementation Guidance and Mandatory Requirements for Nonattainment Areas**

EPA has not finalized its implementation guidance that outlines the process for determining the regulatory implications of nonattainment status for various types of areas for the eight-hour ozone standard. The draft implementation guidance issued by EPA in May 2003 contains no actual rule language and contains so many options that it is impossible to explain clearly to citizens, local officials, and businesses what will be required if their county is designated nonattainment. Indiana does not support the application of nonattainment area new source review or automobile emission testing requirement or other "mandatory" requirements for any area within Indiana that will meet the new ozone standard within three years of the designation date of April 15, 2004. EPA's analyses to date suggest that most of Indiana, with the possible exception of the Chicago and Indianapolis metropolitan areas, should meet the new eight-hour ozone standard after implementation of currently required state and federal control measures.

We have found through the past two decades that areas designated as "nonattainment" received necessary attention and resources to improve air quality. However, these areas also have been tagged as areas where economic development is difficult and certain types of projects essentially precluded. In the early days of the Clean Air Act, when the air pollutants being addressed had very localized impacts, nonattainment boundaries were a sensible approach to identifying areas where air quality was unhealthy and where sources contributing to that pollution were located. In many cases, the "mandatory" control measures required by the Clean Air Act have been extremely effective in bringing pollution levels down.

As we have learned more about the causes and effects of ozone formation, however, tightly drawn nonattainment boundaries determined primarily by monitored air quality and urban area boundaries make less and less sense. The most significant ozone control programs in recent years, the NOx SIP Call and federal automobile standards, apply to sources regionwide or nationwide, not just to those in designated nonattainment areas. Air quality analyses to date suggest that most of the counties in Indiana where air quality currently does not meet the 8 hour ozone standard will meet that standard once the NOx SIP Call is fully effective in 2004.

According to the Clean Air Act and EPA's draft guidance for implementation of the eight-hour ozone standard, any county designated as nonattainment would be automatically subject to stricter new source review requirements for new and expanding sources. While it makes sense to avoid or minimize increases in emissions in nonattainment areas, we now know that these new source review requirements can have unintended consequences that, in many cases, just push new development to the outskirts of a nonattainment area. As a result, these requirements have contributed to sprawl, loss of farmland, and are inconsistent with policies that promote the development of brownfields. Development immediately adjacent to nonattainment areas can have just as deleterious an effect on local air quality as if the development occurred in the nonattainment area itself.

I understand that EPA recognizes this dilemma. However, the current EPA guidance on nonattainment designations and on eight-hour ozone implementation may have the consequence of requiring certain mandatory measures for areas of the country for which those measures are not needed and are not appropriate mechanisms to make progress on clean air. Therefore, IDEM recommends at the outset that EPA defer until 2007 additional mandatory measures on those metropolitan areas and counties that will achieve compliance with the current controls on the books to allow those controls to take effect.

Indiana intends to comment further on the draft guidance, but also must consider these uncertainties in making nonattainment designation recommendations at this time. However, it is difficult for Indiana to recommend nonattainment for areas that may attain the standard after the 2003 ozone season or that are not currently monitoring nonattainment (though they may be in a MSA with a monitor that is currently monitoring nonattainment). Attachments 1 and 2 note these areas within Indiana. In these areas, the consequences of a nonattainment designation are not clear and Indiana is not convinced that certain mandatory requirements

T. Skinner
July 15, 2003

Page 4.

make common sense. Therefore, this uncertainty, combined with potential impact of the 2003 ozone season, convinces us that we should defer our recommendations for these areas until the close of the 2003 ozone season. EPA should not make any preliminary or final determination with respect to these areas until we make our supplemental recommendations.

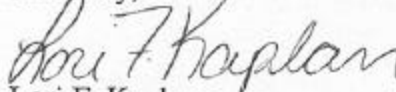
In conclusion, Indiana has carefully reviewed EPA's March 28, 2000 boundary guidance memorandum, Indiana air monitoring data and considerable other data in developing these recommendations. We have consulted with the neighboring states and have solicited input and received comment from interested parties throughout Indiana. We will continue these discussions as the designation process proceeds.

As noted above, Attachment I outlines Indiana's preliminary recommendations concerning area designations and boundaries relevant to the 8-hour ozone standard, based on 2000 - 2002 monitoring data. As noted in Attachments 1 and 2, Indiana is deferring our recommendation for the Evansville MSA until October 2003. As the 2003 ozone season proceeds, we will update our recommendations as appropriate. In addition, depending on the timing of the release of a final implementation rule concerning the eight-hour ozone standard, IDEM may wish to provide updates to recommendations concerning nonattainment classifications. Please note that we have had time to do only a preliminary review of the recently revised Metropolitan Statistical Area (MSA) boundaries. Some discussion is included in Attachment II, but we will supplement this as necessary. At this time, we do not feel that the new boundaries will, in most cases, affect our recommendations. That review is included in the attached analysis, but we may supplement it in the future if needed.

We appreciate the opportunity to provide comments and recommendations to EPA concerning this matter. Likewise, we look forward to working with your staff as EPA moves forward with the designation process.

Should you have any questions or comments concerning IDEM's analysis and recommendations, please feel free to contact Janet McCabe, Assistant Commissioner, Office of Air Quality, at (317) 232-8222.

Sincerely,



Lori F. Kaplan
Commissioner

LFK/jgm/sad

Attachments

cc: Cheryl Newton, EPA-Region 5
J. Elmer Bortzer, EPA-Region



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

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July 31, 2003

Docket #OAR 2003-0079
U.S. Environmental Protection Agency
EPA West (Air Docket)
1200 Pennsylvania Avenue, N.W., Room B108
Mail Code: 6102T
Washington, DC 20460

RE: Proposed Rule to Implement the 8-Hour Ozone
National Ambient Air Quality Standard

Dear Acting Administrator Horinko:

This letter provides the Indiana Department of Environmental Management's (IDEM) comments regarding the Proposed Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard. IDEM appreciates the opportunity to provide input on this important clean air issue.

The State of Indiana is strongly committed to assuring clean, healthy air for all of its citizens. Tremendous progress has been made in the past two decades: only one area of the state continues to violate the one hour ozone standard. Investment in pollution control technology, innovative manufacturing approaches and advances in motor vehicle standards have lead to these improvements. The combination of national measures and local implementation plans, driven by planning and attainment deadlines contained in the Clean Air Act, has been effective, although achievement of the goals has taken longer than intended.

With the promulgation of the eight hour ozone standard in 1997 and the designation of nonattainment areas expected in April 2004, states face a new challenge: the next increment of air quality improvement necessary to improve the health and quality of life of our citizens. Because of the significant advances in our understanding of the science of ozone formation and modeling tools that allow us to evaluate and address the causes of this pollution, we are in a much better position to develop and implement clean air plans that will be effective at improving air quality. And with the full implementation of the regional NOx SIP Call by 2004, these tools predict that most areas of the country will be able to meet the eight hour standard by 2007 without the implementation of additional controls. This is good news.

IDEM recognizes that EPA's guidance must be consistent with the federal Clean Air Act and court mandates. The 1990 Clean Air Act Amendments provide highly specific requirements for attainment of the one hour ozone standard and do not make provision for a revised ozone standard. With the attainment of the one hour ozone standard in many areas through the application of regional controls, which are having beneficial effects throughout the region, the very prescriptive approach of Subpart 2 may not be appropriate for many areas, despite the direction of the United States Supreme Court. It has been a challenge for EPA to develop guidance that comports with the Act while addressing this next phase of clean air improvement. IDEM appreciates the creativity EPA has brought to this challenge and recognizes that EPA is trying to make the existing language of Subpart 2 of the Act, which the Supreme Court has directed must be followed, fit the needs of the eight hour standard, for which it was not designed.

IDEM supported EPA's original proposal of a "transitional" classification for areas that meet the one hour standard, do not currently meet the eight hour standard, but will meet both standards upon the implementation of the NOx SIP Call. Most of Indiana's likely eight hour nonattainment areas are in this situation. mandatory new source review requirements on areas expected to attain the eight hour ozone standard with the implementation of existing state and federal requirements unless they fail to meet the eight hour standard by 2007. IDEM recommends that EPA defer until 2007 the implementation of mandatory measures, such as new source review and transportation conformity, in areas that will meet the eight hour ozone standard by 2007 (3 years following the implementation of the NOx SIP Call). These measures would go into effect if the area fails to comply with the standard by the close of the 2007 ozone season. If mandates for these areas are unavoidable, EPA should establish a less stringent form of new source review and transportation conformity. We address this further in Attachment A.

While it makes sense to avoid or minimize increases in emissions in nonattainment areas, we now know that these NSR requirements can have unintended consequences, that, in many cases, just push new development to the outskirts of a nonattainment area. As a result, these requirements have contributed to sprawl, loss of farmland and are inconsistent with policies that promote the development of brownfields. Development immediately adjacent to nonattainment areas can have just as deleterious an effect on local air quality as if the development occurred in the nonattainment area itself.

Indiana urges EPA to retain maximum flexibility for local communities to design clean air plans that will meet local and regional air quality needs and be as compatible as possible with other local needs. Lack of flexibility will create a situation where programs with significant actual or perceived negatives are imposed on communities in the face of scientific evidence that those measures are not necessary. EPA should avoid to the greatest extent possible mandatory control programs, especially for areas likely to meet the standard without any additional controls beyond the NOx SIP Call reductions. States and EPA must work together, combining their areas of expertise and authority, to fashion cost-effective plans to meet air quality standards on a prompt schedule.

U.S. EPA Docket #OAR 2003-0079
July 31, 2003

Page 3

Indiana's specific comments on the draft implementation guidance are provided in Attachment A to this letter, and comments on EPA's modeling guidance are provided in Attachment B.

We appreciate the opportunity to provide comments and recommendations to U.S. EPA concerning this matter. Likewise, we look forward to working with your staff as U.S. EPA moves forward with the implementation process. If you or your staff has any questions about Indiana's comments, or wish to discuss them with us further, please contact Janet McCabe of the Office of Air Quality at 317-232-8222 or jmccabe@dem.state.in.us.

Sincerely,

Lori F. Kaplan
Commissioner

LFK/jgm/sad

Attachments

cc: Cheryl Newton, EPA-Region 5
J. Elmer Bortzer, EPA-Region 5

Attachment A
U.S. EPA Docket #OAR 2003-0079

IDEM's specific comments on the draft guidance are as follows:

- ❑ EPA should grant maximum flexibility to the states in implementing the eight hour ozone standard, including all decisions concerning local control strategies.
- ❑ IDEM supports EPA's commitment to develop national measures for sources that are more effectively and efficiently controlled at the national level and to ensure that interstate transport of pollution is addressed. We believe that a combination of regional reductions (achieved through national rulemaking by EPA) and local emission reductions (achieved through SIPs) will be necessary. We encourage EPA to work with states to identify, adopt and implement sufficient regional emission reductions to ensure attainment.
- ❑ IDEM supports EPA's proposed approach concerning SIP submittals for areas expected to comply with the standard by 2007 based on existing modeling work, in which no additional attainment modeling will be required. Considerable resources have already been devoted to this technical work. Allowing states to rely on current modeling will allow them to focus resources on additional modeling needed for areas where additional controls will be needed and on PM2.5 nonattainment issues.
- ❑ Under the options outlined within the proposed rule for classifying nonattainment areas and applying either Subpart 1 or Subpart 2 requirements, IDEM is supportive of Option 2. Option 2, which uses the Subpart 1 approach for areas where ozone values meet the one hour standard but exceed the eight hour standard, is simpler and provides greater flexibility for communities. However, U.S. EPA should grant flexibility to the states in choosing local controls that are the most cost effective, as opposed to mandatory controls that may be ineffective for certain communities.
- ❑ In particular, IDEM does not support mandatory vehicle emissions testing or stage II vapor recovery for "Moderate" areas and above, except for areas that implemented those controls under the one hour standard. These programs are less cost effective than they were a decade ago, with decreased emission reduction benefits due to increased engine standards and emission control technology (i.e. on-board diagnostics and recovery canisters). Communities should be free to consider these programs among other possibly effective programs and choose them if they make the most sense. Under the draft guidance, for example, if Dearborn, Franklin and Ohio counties become part of the Cincinnati moderate nonattainment area, it would appear that both vehicle inspection and maintenance and Stage 2 vapor recovery would be required in those counties. The population of those Indiana counties is less than 5% of the Cincinnati metropolitan area and the costs of building and operating an Inspection/Maintenance network in those three essentially rural counties would greatly outweigh the environmental benefit, as well as making those resources unavailable for other, more cost-effective environmental programs. State and local communities may choose to implement inspection/maintenance as part of their clean air plans, but it should not be mandatory.
- ❑ If EPA is unable to avoid requiring mandatory controls such as vehicle emissions testing, states should be given flexibility in addressing the control reduction requirements. For instance,

instead of a mandated basic or enhanced vehicle inspection program, states should be granted the flexibility to implement hybrid programs that use current technology like remote sensing and mobile on-board diagnostics testing.

- ❑ Areas that are designated under Subpart 1 that would have an attainment deadline of 2010 if designated under Subpart 2, should be granted until 2010 to reach attainment to provide for three years of monitoring data following SIP submittal in 2007.
- ❑ EPA should establish attainment deadlines with a fall date after the close of the ozone season as opposed to an April deadline. This would be consistent with two decades of past practice and only makes sense given the seasonal nature of ozone pollution. It would also be consistent with the assumptions made for the NO_x SIP Call controls, which presumed that states would have three full years (2005-2007) to realize the benefits associated with those reductions.
- ❑ EPA should provide flexibility in defining “counties affected by overwhelming transport.” A rural county that is clearly affected by overwhelming transport should be defined and designated by its rural traits, not its proximity to a Metropolitan Statistical Area (MSA). The MSA boundaries are an imperfect tool to group or distinguish areas for air quality planning purposes. MSA boundaries are not based on air quality considerations and there are many examples where the boundaries do not in fact represent the essentially urban areas.
- ❑ EPA has recognized the importance of integrating planning for eight hour ozone and PM_{2.5} as much as possible, given the overlap in technical work and likely control strategies. States and EPA are currently developing modeling tools that concurrently assess the impacts of control strategies on ozone, fine particles and regional haze. Once EPA designates the ozone and PM_{2.5} nonattainment areas, planning deadlines for the two pollutants should be consistent so that states can prepare a single SIP for both.
- ❑ EPA proposes a type of transitional program in Section VI.O. of the draft guidance, recognizing the principle stated above that it does not make sense for areas projected to meet the eight hour standard by 2007 without additional control programs to be subject to stringent NSR requirements. This flexibility would be available for areas that currently meet the one hour ozone standard and have submitted an attainment plan by April 2004 that demonstrates attainment by 2007, including NO_x controls for the areas where the NO_x SIP Call applies and any additional local measures needed for the eight hour standard. IDEM submits that for areas where EPA modeling indicates no controls beyond the SIP Call are necessary, submission of a full blown attainment demonstration should not be necessary for EPA to be able to afford either flexibility on NSR or, more simply, deferral of mandatory NSR until 2007. As a practical matter, it would be extremely difficult for Indiana, where as many as five out of seven potential nonattainment regions would be eligible for this approach, to prepare SIPs by April 2004, while also evaluating PM_{2.5} nonattainment areas and beginning the planning work for areas where additional measures will be needed.
- ❑ IDEM feels that a deferral of NSR requirements makes more sense for areas projected to achieve the eight hour standard without the imposition of additional controls, but as an alternative agrees generally with the elements EPA has proposed for “transitional NSR”, i.e. an applicability threshold of 100 tons per year, Best Available Control Technology instead of

Lowest Achievable Emission Rate as the required technology standard, and no emissions offset requirement but a determination that the source will not contribute to the existing violation, as described in the draft guidance (i.e., the source's emissions are in line with growth projections). This approach would bring NSR requirements in these areas essentially in line with NSR in attainment areas.

- ❑ IDEM supports EPA's second option for how to apply the 15% plan requirement in areas that would be designated as moderate nonattainment under the eight hour standard. An area that has already developed a 15% plan under the one hour standard should be considered to have met that requirement. Areas not already covered by a 15% plan should also have the ability to demonstrate to EPA that a plan not strictly meeting the requirements of a 15% plan is nevertheless sufficient to meet the standard.
- ❑ Revocation of the one hour standard. IDEM strongly believes that states and communities should not have two sets of planning requirements, one for the one hour and one for the eight hour standard, and also that there should be no backsliding from clean air programs put in place to meet the one hour standard and still needed to maintain compliance with that standard and meet the eight hour standard as well. IDEM supports Option 1, in which EPA would revoke the one hour standard one year after the effective date of eight hour designations but, through regulation would retain certain requirements in former one hour nonattainment areas to avoid backsliding. In particular, IDEM believes that one hour maintenance counties designated nonattainment under the eight hour standard should not have to submit updates to the one hour maintenance plan, since they will be developing eight hour attainment plans that will subsume the requirements of the maintenance plan previously in effect.
- ❑ IDEM supports EPA's second option for addressing the RACT requirements in areas classified as moderate or above, because it provides greater flexibility to the states and allows states and sources not to pursue what may turn out to be unnecessary analysis or control measures. IDEM also agrees that sources subject to a state's NO_x rule should be considered to have met the RACT requirement.
- ❑ Form and Timing of Draft Guidance. IDEM has concerns about both the timing and format of the draft guidance. The guidance should have been finalized before states worked with local communities to prepare recommendations for nonattainment area designations. The draft implementation guidance contains no actual rule language and contains so many options that it is impossible to explain clearly to citizens, local officials, and businesses what will be required if their county is designated nonattainment. Uncertainty about the implementation requirements has had a definite impact on Indiana's development of recommendations and has made that process more difficult and controversial than it would have been had the rules been clear. Although this cannot be corrected at this point, IDEM urges EPA to do everything possible to finalize the PM_{2.5} implementation guidance before states' recommendations on those nonattainment boundaries are due. In addition, states should have the opportunity to supplement their recommendations to U.S. EPA concerning nonattainment designations under the eight hour standard once a final implementation rule is published. The U.S. EPA should not designate areas under the eight hour ozone standard until states have had an opportunity to evaluate the implications of the implementation rule for affected areas and supplement or revise their original recommendations.

EPA also needs to provide actual rule language for public comment. The draft guidance is in narrative form, in the nature of a preamble. IDEM appreciates EPA's offering such a variety of options, but the time to take comment on so many possible approaches is before putting out a proposed rule for comment. Translating concepts and options into regulatory text can be difficult. The public should have the opportunity to comment on the subtleties of actual rule language before it is finalized.

Attachment B
U.S. EPA Docket #OAR 2003-0079

IDEM's comments specific to modeling issues are as follows. We commend USEPA in developing its draft modeling guidance ("Draft Guidance on the Use of Models and Other Analyses in Attainment Demonstrations for the 8-Hour Ozone NAAQS", EPA-454/R-99-004, May 1999). In general, we believe that this guidance is well-written, thorough, and technically sound. We wish to offer the following general comments:

- We agree with the need for a "conceptual description" of an area's nonattainment problem based on readily available air quality, meteorological, and emissions information.
- We support the "one-atmosphere" modeling approach and encourage USEPA to continue to integrate and harmonize efforts to regulate ozone, PM_{2.5}, and regional haze.
- We support the "weight-of-evidence" approach in demonstrating attainment, where modeling results are considered along with complementary analysis of air quality, meteorological, and emissions information.
- We support the use of relative model results, rather than absolute model results, in the modeled attainment test. (Note, however, we encourage EPA to provide further justification for its claims that using models in a relative sense should reduce modeling uncertainty – e.g., a technical evaluation of relative model performance.)
- Given differences in measured weekday and weekend ozone concentrations in many areas (see, for example, http://www.arb.ca.gov/aqd/weekendeffect/final_wewd_5_1/aer_final_report.pdf, further attention should be given to the development of model inputs and evaluating model performance for weekend days.
- While we recognize that the guidance is intended to provide the basis for attainment demonstrations by states, we believe that it should also be used as the basis for general air quality analyses. To this end, we encourage EPA to follow this guidance for estimating the effectiveness of existing control measures (see, for example, discussion on page 32805, Footnote 1) and for conducting modeling to support Federal controls (see, for example, references on pages on 32809 and 32831).

The proposal identifies several changes to the May 1999 document. We offer the following comments on two of these changes:

- (a) Year to Model: The guidance should clarify which year (of the 3-year period ending with the attainment year) should be modeled in the attainment demonstration. We do not have a strong position on this issue, but would prefer that the emission estimates reflect the attainment year.
- (b) Length of Modeled Period: We agree with the recommendation to model longer time periods (e.g., 10 - 21 days).

Ambient Air Quality Standards for Fine Particulate Matter (PM_{2.5})

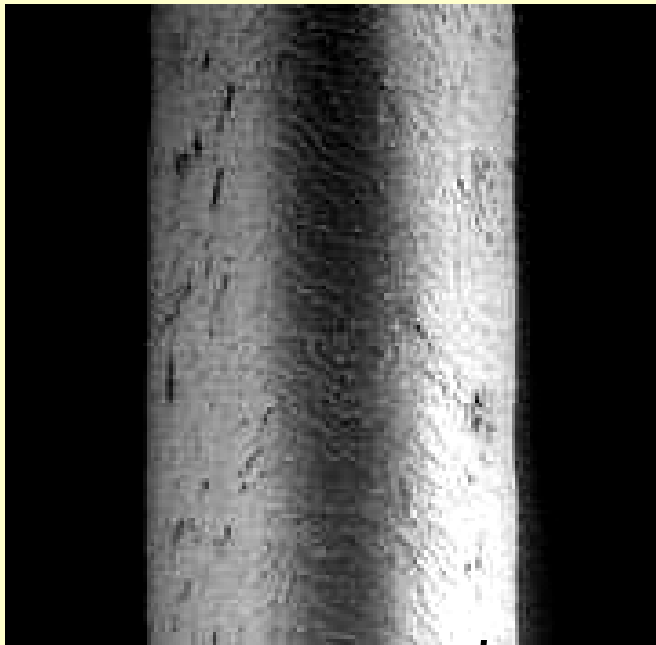
Janet McCabe
Assistant Commissioner
IDEM-Office of Air Quality
(317) 232-8222
jmccabe@dem.state.in.us

Main Topics

- What is PM 2.5?
 - How is it formed?
 - What types of sources contribute?
- What is the potential public health risk?
- Overview of the standard
- Analysis of PM2.5 in Indiana
- The designation recommendation process and timeline

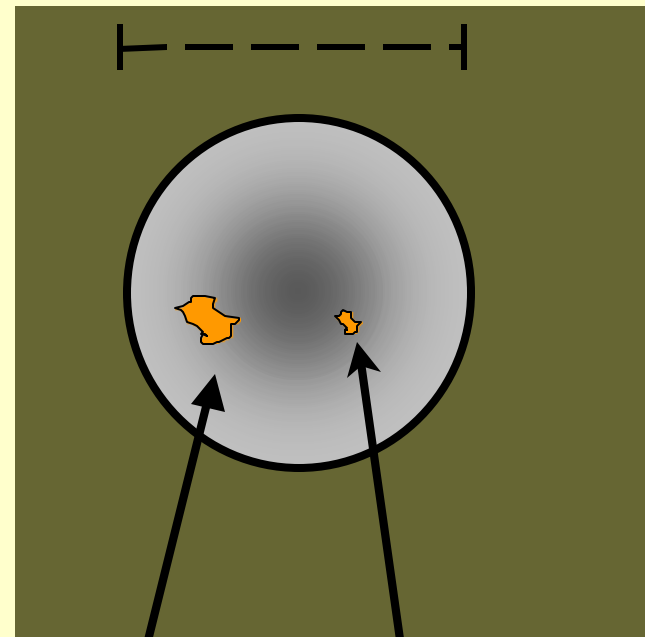
Particulate Matter – What is it?

A complex mixture of extremely small solid particles and drops of liquid in the air



Human Hair (70 μm diameter)

Hair cross section (70 μm)



PM₁₀
(10 μm)

PM_{2.5}
(2.5 μm)

PM2.5 - A Complex Mixture

- Primary Particles (directly emitted)
 - condensed organics
 - elemental carbon
 - crustal
- Secondary Particles (from precursor gases)
 - some volatile organic compounds
 - sulfur dioxide
 - nitrogen oxides
 - ammonia

Since particles include a complex variety of compounds they come from various sources...



Particles May Be Transported Long Distances And Impact Large Numbers Of People

Wind Direction



Fine Particle Level



Small City w/
Power Plant

Town

Large City

Facility

Large City

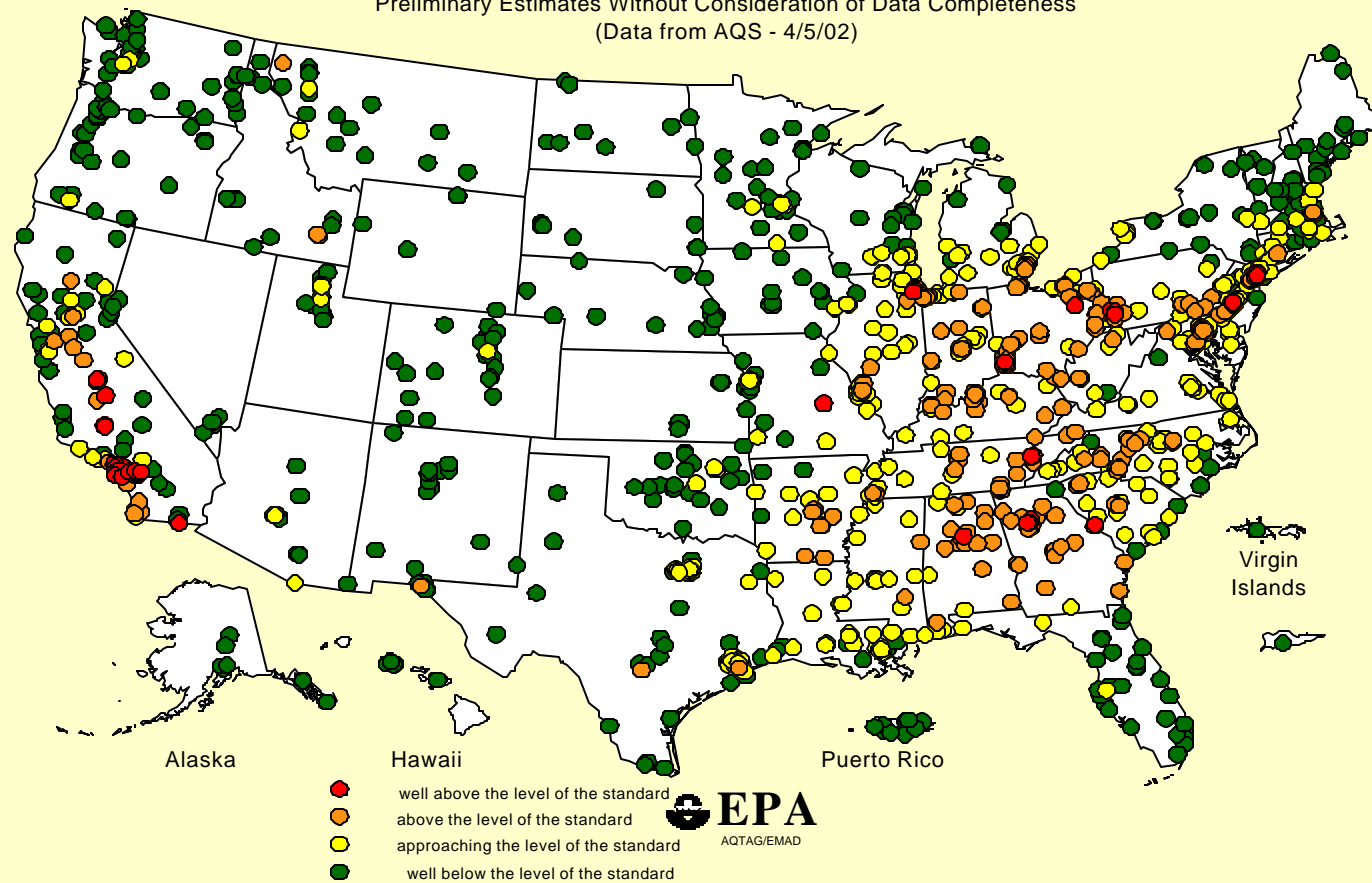
Town

— 200-300 miles —

Fine particles are a problem in the eastern part of the country and California.....

1999-2001 Annual Mean PM_{2.5}

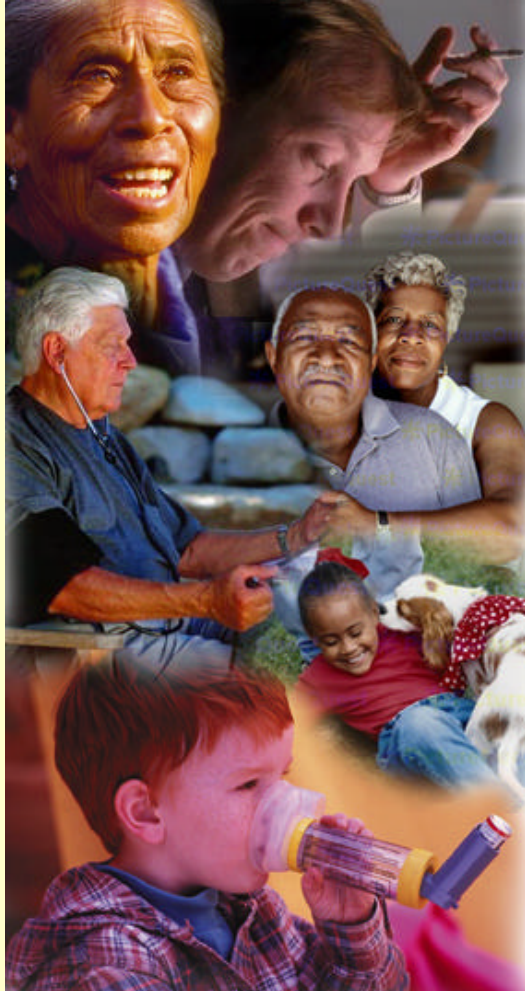
Preliminary Estimates Without Consideration of Data Completeness
(Data from AQS - 4/5/02)



Public Health Risks of Fine Particles

- Particles are linked to:
 - premature death from heart and lung disease
 - aggravation of heart and lung diseases, with increased hospitalizations, emergency room visits and doctor visits
 - respiratory ailments - decreased lung function, asthma attacks, wheezing and chronic bronchitis
 - heart beat irregularities and heart attacks

Some Groups of People are Particularly at Risk



- People with heart and lung disease
- Elderly
- Children

These groups each include tens of millions of people, together representing over 40% of the U.S. population.

Overview of the Particulate Matter Standard

- Annual and 24-hour ambient air quality standards for particulate matter were first set in 1971.
- Before 1987, EPA's standards regulated larger particles, "total suspended particulates" or TSP, including those larger than 10 micrometers.
- Since July 1, 1987, however, EPA has regulated coarse particulate matter or PM-10 (particles equal to or less than 10 micrometers).
- Recent health effects studies suggest that adverse public health effects have been associated with exposure to particle levels well below those allowed by the current standard.

Overview of the Fine Particulate Matter (PM_{2.5}) Standard

- July 17, 1997 - To address public health concerns, U.S. EPA added new national ambient air quality standards (NAAQS) for fine particulate matter. PM_{2.5} standards are based on:
 - annual concentrations (15 ug/m³), and
 - daily concentrations (65 ug/m³)
- May 1999- new standards challenged in court.
- 1999 - Nationwide implementation of monitoring networks began
- February 27, 2001 – U.S. Supreme Court upholds 8-hour ozone and fine particulate matter standard after designations delayed due to legal challenges.
- April 1, 2003 - U.S. EPA issues memorandum stating that designations will be finalized by December 15, 2004. States are asked to submit recommendations by February 15, 2004.

Overview of the Fine Particulate Matter (PM_{2.5}) Standard

U.S. EPA's Proposed Process for Designations

April 1, 2003 U.S. EPA memorandum outlines the schedule for designating areas under the PM_{2.5} standard.

- Consistent with Section 107 of the Clean Air Act, U.S. EPA is requesting States to provide designation recommendations by February 15, 2004.
- 2000-2002 monitoring data should be used for devising recommendations. However, U.S. EPA will use the 2001-2003 data for promulgating final designations (if the data are available and quality assured.)
- Also Per Section 107 of the Clean Air Act, if U.S. EPA intends to modify recommendations made by the Governor, the Administrator must notify the State and provide an opportunity to demonstrate why any proposed modification is inappropriate. Such notification must be given no later than 120 days prior to promulgation of designations.
- Designations will be finalized by December 15, 2004.

Overview of the Fine Particulate Matter (PM_{2.5}) Standard

State Implementation Plan and Attainment Deadlines

- ❑ States will have until 2007 (three years from the date of designation) to submit State Implementation Plans (SIPs) to U.S. EPA. A SIP outlines the control strategies and technical information to demonstrate how and when the area will achieve attainment of the standard.
- ❑ Date for attaining the standard will be December 2009 (5 years after designation date). An extension of up to five years is possible with an adequate demonstration.
- ❑ U.S. EPA expects to propose implementation rules in Fall 2003 concerning attainment dates and mandatory control measures.
- ❑ Mandatory measures are likely to include stricter new source review and transportation conformity

Timeline for PM_{2.5} NAAQS Implementation

September 2003	EPA issues proposed PM _{2.5} implementation rule
February 2004	States provide designation recommendations
September 2004	Publish final implementation rule
December 2004	Finalize nonattainment designations
December 2007	Nonattainment area SIPs submitted to EPA (3 years from effective date)*
2009-2014	Range of attainment dates

** Regional Haze SIPs will be due at the same time that PM_{2.5} SIPs are due.*

PM_{2.5} Reduction Programs

- Power Plants and vehicles are significant contributors
- National programs already in effect or proposed include fuel and engine standards for on-road and off-road heavy duty diesels
- National debate on legislation to cut power plant emissions of SO₂ and NO_x. USEPA modeling shows that most areas will attain the standard with these measures, though not by 2009

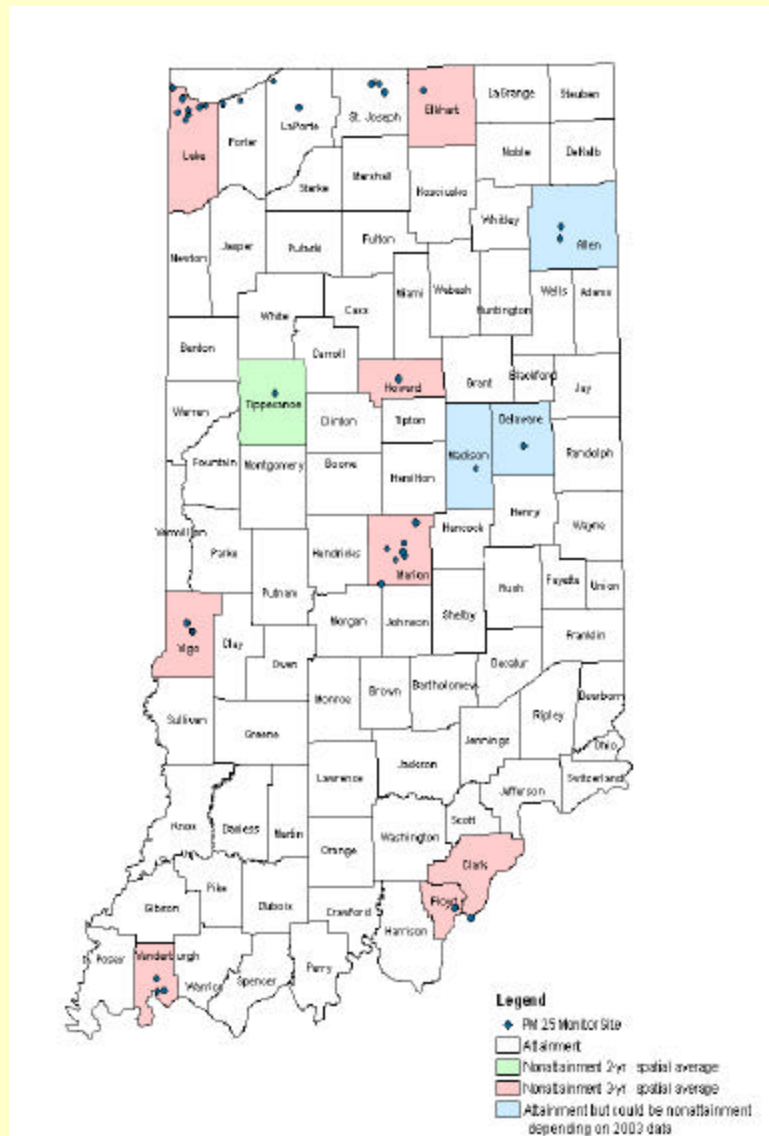
Analysis of Indiana's PM_{2.5} Monitoring Data (1999 - 2002)

- Monitors in 9 counties currently exceeding the annual standard and 3 are very close, depending on 2003 data
- No violations of the daily standard anywhere in the state
- During episodes of high ozone, PM_{2.5} levels are also elevated, but there are high levels throughout the year

Analysis of Indiana's PM_{2.5} Monitoring Data (1999 - 2002), cont'd

- Seasonally- higher values were found in the summer
- Geographically - higher values were seen in Southern Indiana
- Sulfates contribute the most to PM_{2.5} values during the summer and nitrates contribute the most during the winter

Counties With PM_{2.5} Monitors Above or Near the Annual Standard



Information to be Used in Assessment Process for Designation Recommendations (Per U.S. EPA Guidance)

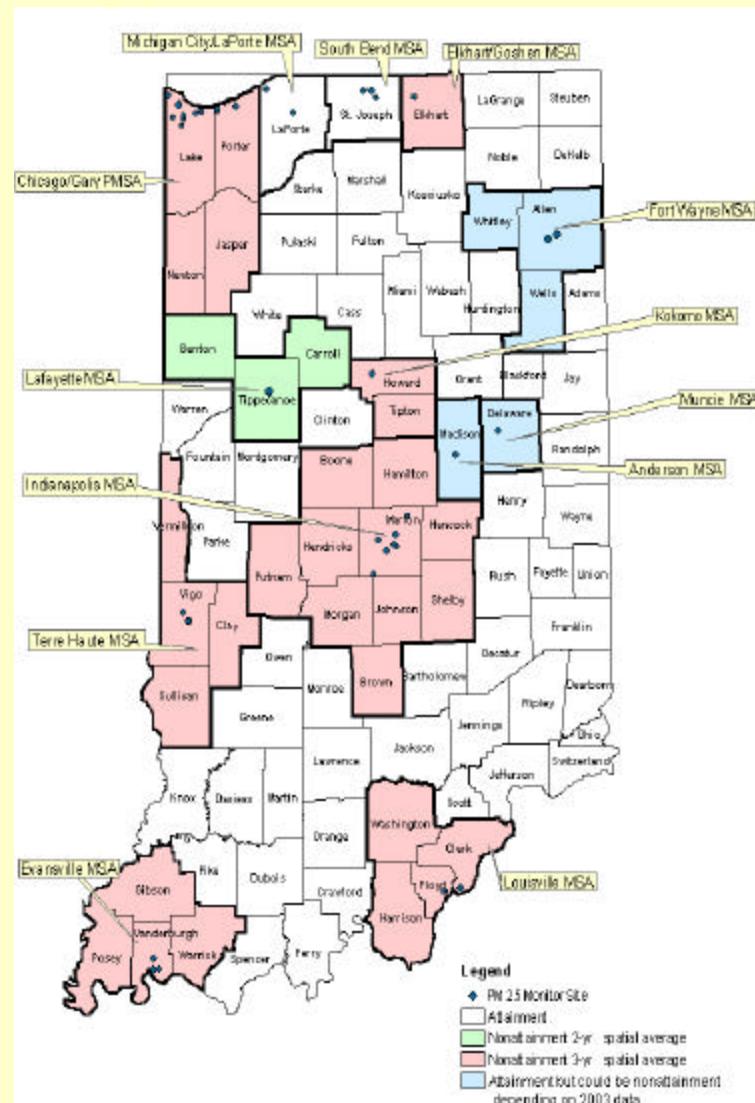
Primary

- Monitoring data
- MSA Boundaries

Secondary

- Emissions trends
- Traffic and employment patterns
- Population growth
- Commercial, residential, and industrial growth
- Meteorology

MSA Boundaries for Counties with PM_{2.5} Monitors Above or Near the Annual Standard



Indiana Designation Recommendations

Next Steps

- Sept 15, 2003 - Information will be made available through our web-site
- Sept 30, 2003 - Mail information to interested and affected parties in each of the affected areas
- Fall 2003 - Present information and solicit comment through public meetings
- Dec 31, 2003 - Seek/accept public comment on nonattainment designation recommendations
- February 15 , 2004 - Submit designation recommendations to US EPA

Contact Information

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Federal New Source Review Program

- Since 1974, federal law or rules have required preconstruction permit review of significant new sources of pollution and modifications at existing plants with the potential to increase emissions significantly.
- Indiana has implemented these programs for many years, first as USEPA's agent and now as an independently approved program.
- IDEM issues on average 10 or so of these significant source permits each year.

Federal New Source Review Reform

- December 31, 2002 EPA publishes revisions to federal permitting rules
- Revisions primarily address when modifications at existing sources will be subject to high level permitting review
- States with approved permit programs have until December 2005 to adopt federal revisions or demonstrate that their rules are as environmentally protective

Key Provisions of Federal Rules

- How to determine whether a change will cause a significant increase in emissions
- Clean Unit Designation
- Pollution Control Project Exclusion
- Plant-wide Applicability Limitations

Rulemaking Schedule

- **April 1, 2003 First Notice**
- April 10, 2003 Public Meeting to discuss issues and questions
- June 30, 2003 Public Meeting to discuss positions
- July 21, 2003 Public Meeting to discuss clean unit provisions
- **September 1, 2003 Second Notice**
- September 9, 2003 Public Meeting to discuss Second Notice
- November/December meeting with interested parties
- **February 4, 2003 Preliminary Adoption hearing**
- March/April 2004 meeting with interested parties
- **April 1, 2004 Third Notice**
- **August 4, 2004 Final Adoption hearing**

IDEM's Draft Rules...

- Incorporate most of EPA's revisions
- Retain existing elements of Indiana rules that provide greater public health protection
- Include language to implement the federal changes through the minor source permitting programs, which EPA anticipated
- Propose an alternative approach on evaluating whether certain existing sources qualify as "clean units" where EPA's would result in greater emissions.

Status of Legal Challenge

- Appeal filed early 2003 by some states and environmental groups
- Court denied request for stay but committed to expedited schedule
- Initial briefs are expected Fall 2003
- EPA issued notice reopening six issues for additional comment on July 25, 2003.

Next Steps

- Comments due to USEPA on “six issues” on August 29, 2003
- Second Notice of Rulemaking to be published September 1, 2003
- Public meeting to discuss draft rules on September 9, 2003
- Proceed with rulemaking schedule
- Work with EPA on Indiana rule language, especially where it differs from federal language
- Monitor legal challenges

For more information...

- For more information about the NSR Reform project go to <http://www.in.gov/idem/rules/air/apcb0367/index.html>
- If you have questions or comments regarding the NSR Reform project, Please call or email:
 - Stacey Pfeffer
 - Phone: 317-233-2628
 - Email: spfeffer@dem.state.in.us

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**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DRAFT NONRULE POLICY DOCUMENT**

Title: Guidance for Interpretation of the Term “Emission Data”

Identification Number: Air-031-NPD

Date Originally Effective:

Dates Revised: none

Other Policies Repealed or Amended: none

Brief Description of Subject Matter: Definition of the term “emission data” as used for purposes relating to the Clean Air Act and the Indiana Code.

Citations Affected: IC 13-14-11-1

This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management (IDEM) decisions or final actions. This nonrule policy document (NPD) shall be used in conjunction with applicable laws. It does not replace applicable law, and if it conflicts with these laws, the laws shall control. This NPD will be made available to the public forty-five (45) days prior to presentation to the air pollution control board. Then, this NPD may be put into effect by IDEM thirty days after presentation to the air pollution control board, pursuant to IC 13-14-1-11.5. After such period, IDEM will submit the policy to the Indiana Register for publication. Revisions to the policy will follow the same procedure of notice, presentation to the board and publication.

PURPOSE

The purpose of this nonrule policy is to describe the policy that IDEM will use to define the term “emission data”, as it relates to the trade secret exemption in public records found in Indiana Code 5-14-3-4 for purposes of data collection, permitting, modeling and compliance and related activities. According to the Clean Air Act, 42 USC Section 7414(c), “emission data” is excluded from the trade secret disclosure exemption to the public records requirements. Indiana has incorporated similar language into the statute for IDEM’s public records at IC 13-14-11-1(b). IDEM’s interpretation of “emission data”, as it relates to data collection, permitting, modeling and compliance is set forth in this NPD.

BACKGROUND

The Clean Air Act, in section 114(c), specifically states that “emission data” are public records that are not eligible for the trade secret disclosure exemption. This exclusion states,

Any records, reports or information obtained under subsection (a) of this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, (other than emission data) to which

the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets... (42 USC Section 7414(c) (CAA 114(c))).

In order to define the term “emission data”, EPA promulgated 40 CFR 2.301(a)(2). It also issued a guidance document at 56 FR 7042 and further enacted part of that guidance in the Consolidated Emission Reporting Rule (CERR) found at 40 CFR 51.

Indiana has similar language to the Clean Air Act in its public records statute found at IC 13-14-11-1(b). Indiana does not, however, have an Indiana statute or rule that clearly defines “emission data”, so IDEM has used EPA’s guidance and interpretations in making “emission data” confidentiality determinations under 326 IAC 17.1.

IDEM has the authority to interpret rules and statutes through guidance documents under IC 13-14-1-11.5. Specifically, IDEM may use for guidance, “a policy or statement that:

- (1) interprets, supplements, or implements a statute or rule;
- (2) has not been adopted in compliance with IC 4-22-2;
- (3) is not intended by the department to have the effect of law; and
- (4) is not related solely to internal department organization.

This NPD interprets IC 13-14-1-11.5, has not been promulgated as a rule using IC 4-22-2, is not intended to have the effect of law and is not related solely to internal department organization and therefore falls into the policy requirements of IC 13-14-1-11.5.

POLICY

When required to apply or interpret the term “emission data”, IDEM intends to use the following definition:

“Emission data”, for purposes of IC 13-14-11, means any of the following:

(1) The identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any contaminant that:

- (A) has been emitted from;
- (B) could be emitted from; or
- (C) results from any emission by;

an emission unit authorized to emit under an applicable standard or limitation.

(2) The name, address, or other description of the location and the nature of the emission unit necessary to identify the emission unit, including a description of the device, equipment, or operation constituting the emission unit.

(3) Information necessary to:

(A) determine a permit condition that assures compliance with an applicable requirement; or

(B) determine or calculate an enforceable emission limitation, including:

- (i) rate of operation;

- (ii) rate of production;
- (iii) rate of raw material usage;
- (iv) material balance; or
- (v) equipment capacity;

if the information is contained in a permit or the technical support document to ensure that the permit is practically enforceable under state or federal law.

IDEM will consider data and information meeting the above definition as “emission data” within the meaning of state and federal law which must be disclosed to the public upon request. This information is not eligible for the trade secret exclusion. This determination applies to data currently held by IDEM as well as information submitted in the future. This determination applies only to the data listed above. However, this NPD does not exclude permittees from submitting data marked as confidential, in accordance with 326 IAC 17.1, to IDEM as a trade secret. IDEM will then make a confidentiality determination based on this NPD. Determinations will continue to be made on a case-by-case basis for data not specified in this NPD.

POLICY INTERPRETATION AND EXAMPLES

IDEM uses “emission data” for a variety of regulatory purposes including emission statements, permits, modeling and compliance activities. The following are several specific examples of “emission data” within those sections. The list is not all-inclusive and situations not addressed here will be evaluated on a case-by-case basis.

EMISSION STATEMENTS

Many air emitting source permittees are required to submit an emission statement on an annual basis according to 326 IAC 2-6. Much of the information submitted to IDEM in emission statements is considered “emission data”. IDEM uses this information for a variety of planning and compliance purposes and makes it available to the public. IDEM also must report much of the emission statement information to EPA, pursuant to 40 CFR 51, the Consolidated Emission Reporting Rule (CERR).

A majority of the information requested, pursuant to 326 IAC 2-6, falls under paragraph (1) or (2) of the definition of “emission data” as set forth above. Some information submitted as part of the emission statement may be reserved, by IDEM, from public disclosure under the trade secret exemption under IC 5-14-3-4(a)(4) or IC 13-14-11-1. The CERR, at 40 CFR 51.15(d), states that “some States limit release of this type of data”. However, pursuant to 40 CFR 51.15(d), EPA considers all information supplied under the CERR to be “in the public domain and cannot be treated as confidential”. EPA recognizes that state and federal confidentiality requirements may be different and a final reconciliation can be made prior to submission of confidential state information. It is IDEM’s intent to treat any confidential trade secret information, which is not “emission data”, reported pursuant to 326 IAC 2-6 as confidential.

The following is a list of emission statement information IDEM will consider “emission data”.

This determination is based primarily on requirements of 40 CFR 51, CERR (see Attachment A). It is important to note, that if a permittee takes an enforceable limit to avoid a permitting program or other regulation, that enforceable limit is considered its maximum or design capacity for emission statement purposes.

The following will be considered “emission data” under paragraph (1) of the definition of “emission data”: heat content (fuel, annual average), ash content (fuel, annual average), sulfur content (fuel, annual average), pollutant code, activity/throughput (annual), activity/throughput (daily), work weekday emissions, annual emissions, emission factor, winter throughput (%), spring throughput (%), summer throughput (%), fall throughput (%), hours/day in operation, start time (hour), day/week in operation, weeks/year in operation, design capacity, primary control efficiency (%) and secondary control efficiency (%).

The following will be considered “emission data” under paragraph (2) of the definition of “emission data”: facility ID code, Point ID code, process ID code, stack ID code, site name, physical address, ‘x’ stack coordinate (latitude), ‘y’ stack coordinate (longitude), stack height, stack diameter, exit gas temperature, exit gas velocity, exit gas flow rate, SIC/NAICS and control device type.

PERMITS

The permitting program uses “emission data” when determining applicable requirements for construction and operating permits. The following are examples of “emission data” in permits: applicability determinations for potential to emit, throughput information in 326 IAC 6-3, process flow diagrams and Best Achievable Control Technology (BACT) determinations.

Applicability of the permit program is based on a source’s potential to emit. Potential to emit is generally determined using the maximum capacity of a unit. This information is “emission data” under paragraph (3) of the definition of “emission data” set forth above. However, actual maximum capacity is not needed if the permittee agrees to an enforceable limit on its potential to emit (PTE). An enforceable limit is created when the permittee stipulates that the permittee’s capacity is greater than the highest relevant capacity for PTE purposes and over the PTE threshold. In these cases only the enforceable limit is needed to determine PTE and the actual maximum capacity would not be disclosed.

The process weight rate rule, found at 326 IAC 6-3, requires throughput information to calculate the correct particulate limit. This throughput information is “emission data” under paragraph (3) of the definition of “emission data” set forth above. However, if a permittee agrees to comply with an emission limit for 326 IAC 6-3 and stipulates that the capacity is above the corresponding process weight rate, then maximum throughput information would not be needed to determine the particulate limit and therefore would not be considered “emission data”.

Process flow diagrams included in permit applications, at the request of IDEM, that contain “emission data” and are claimed as confidential because they graphically depict a manufacturing process that is itself confidential trade secret information, shall not be considered “emission data” under the definition of “emission data” set forth above, provided the “emission data” of interest on the process flow diagram appears elsewhere in the permit application.

COMPLIANCE

I. Information Submitted to IDEM

Information on emissions submitted by or obtained from a source for the purpose of determining or assuring compliance with legal requirements constitutes “emission data”. Limits or restrictions on emissions from sources are set forth in the permits, rules, statutes, and the state implementation plan (SIP). These limits can be in the form of limits on the rate of operation, rate of production, rate of raw material usage, material balance, operating practices, equipment capacity, or other formats. This information can be submitted as a requirement of a permit, rule, statute, SIP, or at the request of the Commissioner.

The most common compliance reports are the following:

- Continuous Emissions Monitoring System (CEMS) and Continuous Opacity Monitoring System (COMS) data
- Emission test reports
- Quarterly and monthly reports
- Deviation reports
- Emergency or Malfunction reports
- Annual Compliance Certifications

The information required by these reports is “emission data” under paragraph (1) of the definition of

“emission data” set forth above.

Other documents that are typically submitted at the request of the Commissioner include copies of records retained by permittees, production or process information, material usage records, and other information used to determine compliance with applicable permit, rule, statute, or SIP requirements. The information required by these reports requested by the Commissioner is “emission data” under paragraph (1) of the definition of “emission data” set forth above. These documents include:

- Parametric monitoring records
- Visible emission observation records
- Sampling results
- Risk Management Plan

Some documents requested by the Commissioner may contain information that is “emission data”, but may also contain some information that is eligible for the trade secret exemption. Examples of these documents that may contain information about emissions include:

- Source or facility maps
- Process flow diagrams
- Emission control diagrams
- Inspection and maintenance records
- Preventative Maintenance Plans
- Operation Maintenance and Monitoring Plans
- Start-up, Shutdown, and Malfunction Plans
- Compliance Response Plans

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II. Other Compliance Related Information

In addition to documents submitted to IDEM, compliance can be determined by a number of methods including on-site inspections, surveillance, records reviews, file reviews, review of reporting, stack testing, and sampling. Whether obtained through a report prepared by the source or through one of these other mechanisms, the following information constitutes “emission data” under paragraph (1) of the definition of “emission data” set forth above:

Rate of operation - A source may limit its hours of operation or other rate of operation through a permit. This limit can be used to keep a source out of a particular permit program by establishing an effectively enforceable operating permit limit. The limit can also be set to achieve a particular emission limit based on the rate of the operation and the emissions from that process. IDEM must be able to determine the actual hours of operation to determine compliance with the permit limit.

Rate of production - A source may limit its production through a permit. This limit can be used to keep a source out of a particular permit program by establishing an effectively enforceable operating permit limit. The limit can also be set to achieve a particular emission

limit based on the rate of production and the emissions from that process. IDEM must be able to determine the total production to be able to determine compliance with the permit limit.

Rate of raw material usage - A source may limit the amount of raw material input or usage into a particular process through a permit. This limit can be used to keep a source out of a particular permit program by establishing an effectively enforceable operating permit limit. The limit can also be set to achieve a particular emission limit based on the rate of raw material usage and the emissions from that process. IDEM must be able to determine the raw material usage to be able to determine compliance with the permit limit.

Material balance - A source may limit the amount of emissions or material usage through a material balance limit of a particular process through a permit. This limit can be used to keep a source out of a particular permit program by establishing an effectively enforceable operating permit limit. The limit can also be set to achieve a particular emission limit based on a material balance of material usage and the emissions from that process. IDEM must be able to determine the material balance to be able to determine compliance with the permit limit.

Equipment capacity - Equipment capacity is needed to be able to demonstrate compliance with stack testing requirements in 326 IAC 3-6-3. Sources are required to test at 95% of the maximum capacity. A source may limit the actual maximum capacity through permit application review and the permittee must agree to an effectively enforceable limit on its maximum capacity.

An enforceable limit is created when the permittee stipulates that the permittee's capacity is greater than the highest relevant capacity. The maximum capacity or the enforceable limit on maximum capacity must be included on stack test protocols.

Additionally, the following emission information constitutes "emission data" under paragraph (1) of the definition of "emission data" set forth above, if it is required to determine compliance with an applicable limit, rule or law:

- Stack emission rates
- Fuel usage
- Air pollution control efficiencies and/or destruction efficiencies
- Emission temperatures
- Heat content of fuel
- Ash content of fuel
- Sulfur content
- Annual emissions
- Hours of operation
- Flow rates

- Grain loading
- Volatile Organic Compound (VOC) contents of materials
- Hazardous Air Pollutant (HAP) content of materials
- Pressure drop across a control device or process
- Surface tension
- Throughput for purposes of the process weight rate rule.

A source's compliance with the permit requirements must be determined whenever an individual or company constructs or operates a source or facility. The need to obtain a permit is based on the source's potential to emit. Potential to emit is generally determined using the maximum capacity of a unit. IDEM recognizes that actual maximum capacity is not needed if the permit applicability is determined through a permit application review and the permittee agrees to an effectively enforceable limit on its potential to emit (PTE). However, when determining permit applicability through a compliance review, the maximum capacity of a unit is needed and the information would be considered "emissions data" under paragraph (1)(b) of the definition of "emissions data" set forth above.

ADDITIONAL INFORMATION

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Copies of this policy are available at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, Room N1001, 100 North Senate Avenue, Indianapolis, Indiana 46204.